Canadian Indian Policy During the Inter-war Years, 1918-1939

Canada

CANADIAN INDIAN POLICY
DURING THE INTER-WAR
YEARS, 1918-1939

by

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INTRODUCTION

Today, the words 'dialogue' and 'self-determination' are being heard more and more in the area of Indian-government relations. There was too little of either during the inter-war period. Perhaps that is why so many of the problems faced by both the Indian people and the government at that time are still with us.

These two concepts were certainly not unknown at the time. On the contrary, they were given considerable currency at the very beginning of the period through the post-war formation of the League of Nations. The League and some of the concepts on which it was based had a particular appeal for those Indian people who saw themselves as nations, a view that was not acceptable to the government of Canada.

It is easy to cast blame from the vantage point of the 1980s. That is not the purpose of this study. However, it should be possible to learn something from the course of past events. In her book on the making of Indian policy, Sally Weaver said:

> In my experience I have found both ministers and civil servants unaware of past policies and the implications of these policies for both the client and the government. When ministers and civil servants leave the portfolio, they often take with them their individual experiences. As a result, the collective experience is not synthesized and lessons from even the recent past remain unlearned. Thus, policies promoted as innovative often arouse a strong sense of déjà vu in Indians and longstanding government employees.[1]

If Dr. Weaver's words hold true for the recent past, they apply even more strongly to those periods of time lying beyond the memory of those now working in the field.

Dialogue between Indian peoples and government was not always easy to put into practice. Some of the difficulties are raised in the chapter on Treaty Eleven. The problems of communication were further intensified and complicated by considerations of power and economic advantage. Even so, opportunities to listen to Indian people and to involve them in their own future were missed -- and even flatly rejected.

In spite of the fact that the bilateral approach did not enter very significantly into the government's policy and administration of Indian affairs, and despite the enormous difficulties faced during the inter-war years, this period was not entirely a time without hope. There were signs pointing to change. In 1939, however, that change would be delayed as the world once again slid into war.

In 1918, when the first Great War came to an end, the Indian population of Canada was reported as 105,998.[2] The corresponding figure at the end of the period was 118,378.[3] The annual report issued in 1921 included a brief survey of Indians in Canada; it concluded that they were too varied to be described in a short report.

> After a hundred years of civilization the Canadian Indian is a difficult subject to treat within the limit of a brief report. His vocations are so varied, his dwelling-places are scattered so about the broad Dominion that no generalities will serve; a positive statement here becomes a negative there; each fact requires a qualification. Asked to describe a Canadian Indian, one mibht [sic] choose between a medical graduate of McGill University, practising his profession with all the authority of the faculty, or a solitary hunter, making the round of his traps in the remote north country. Each portrait might be drawn to the life, the difference would be absolute, both would be truthful.[4]

By 1918, the Department of Indian Affairs had an established tradition which had its origins long before Confederation. Although a separate department, it was the responsibility of the Minister of the Interior in his capacity as Superintendent General of Indian Affairs. This title was transferred to the Minister of Mines and Resources in 1936 when the Department of Indian Affairs became the Indian Affairs Branch of that department. In this study, in order to avoid confusion, Indian Affairs will normally be referred to as 'the Indian Department' or simply as 'the Department'. The permanent civil service head of the Department was styled Deputy Superintendent General of Indian Affairs. From 1913 to 1932 this office was occupied by Duncan Campbell Scott.

The Department's chief function was the administration of the Indian Act. The headquarters staff in Ottawa was assisted in carrying out this function by a field staff. Their work was described in an annual report.

> The local administration of the Indian lands, on the reserves scattered throughout the Dominion, is conducted through the department's agencies of which there are in all 114. The number of bands included in an agency varies from one to more than thirty. The staff of an agency usually includes various officers in addition to the agent, such as the medical officer, clerk, farm instructor, field matron, constable, stockman, etc., according to the special requirements of the agency in question. At many of the smaller agencies in the older provinces, where the Indians are more advanced, the work is comparatively light, requiring only the services of an agent. The work of the agencies is supervised by the department's inspectors, each inspector having charge of a certain number of agencies.[5]

By modern standards the Department was small. The entire headquarters staff in 1939 numbered only 65. There were about 1,000 employees when field staff were included.[6] This small staff and the consequent close, personal nature of the organization probably account for the informal way in which policy decisions were made. Suggestions sometimes came from field staff to the Deputy Superintendent General and on then to the minister before being implemented. Others seem to have been worked out between the deputy and the minister alone. An exchange of letters between the deputy and the minister over two or three months was sometimes enough to place legislation before Parliament. There was no evidence of more complicated decision-making structure.

When necessary, cabinet and Parliament ratified the decisions made by the Minister and his officials. While no specific Indian policy appeared to have been initiated by cabinet or by Parliament, some significant modifications were made by Parliament. Parliamentary debate changed one minister's mind about tightening up the prohibition against potlatching. A joint parliamentary committee concluded the British Columbia Indian land question for a time. The issue of compulsory enfranchisement was settled in Parliament along party lines and may, therefore, have been the subject of a cabinet decision. This, however, was rare.

For the most part, policy was an unwritten inheritance from the past. From time to time, policy was confirmed by statements of officials or ministers, but it was most clearly made evident by the actions of the Department.

Because of the diverse situations of the various Indian peoples of Canada, it was not possible to have a single uniform Indian policy on every subject. The policy and administration that had been inherited by the dominion at Confederation from the various colonial governments had remained largely unchanged. When Manitoba and the Northwest Territories were added to the dominion, a policy and an administration considered appropriate for those regions were developed. The Indian Act was never intended to be applied uniformly across Canada. This regional diversity of policy and administration persisted into the inter-war period. Nevertheless, some generalizations are possible.

Policy concerns fell into two major areas. One was the extinguishment of Indian title to land, which had developed into the treaty system. The second was the administration of Indians and Indian reserve lands, which was governed by the Indian Act. These traditional policies continued to be applied during the inter-war period. Innovation was limited to the application of old principles to new situations, such as soldier settlement or the rise of Indian political associations. In that sense, the period could be regarded as an extension of the nineteenth century.

During the tenure of Duncan Campbell Scott as Deputy Superintendent General of Indian Affairs, there seemed to be little desire for change. He told the United States Board of Indian Affairs commissioners in 1927, "There is no intention of changing the well-established policy of dealing with Indians and Indian affairs in this country."[7] By the time Scott retired in 1932, Canada was in the grip of the Great Depression. Even if innovation had been desired, the circumstances of the time were against it. Changes in policy during the 1920s and 1930s were a matter of emphasis and application.

For that reason, the approach taken in this study is to examine the Department's handling of the major situations that confronted it during the period. This seemed the most fruitful way to determine just what the policy was. Only after the historical events have been examined, will a summary of Indian policy be attempted in Part IV, in the chapter entitled "Summary of Indian Policy". A second chapter, "Assumptions Underlying Indian Policy", provides some analysis of the general philosophical context of the policy that has been described.

The events of the period are grouped in Parts I to III. The chapters recount events in chronological order where possible.

First and foremost, the policy is seen through the Department's actions. Part I deals with matters arising from the Great War. There are Indian veterans' grievances that still persist from departmental programs undertaken at that time. Part II deals with concerns over Indian lands and livelihood. The government's denial of the British Columbia aboriginal rights claim, which formed the basis of the Great Settlement of 1927, left smouldering a grievance that surfaced later in the Calder case and became the issue from which the modern Indian movement was launched.

The broad question of the ultimate future of the Indian people is the subject of Part III. At first, assimilation and, ultimately, enfranchisement were the only officially approved goals towards which Indian policy was directed. Indians objected to interference with their Sun Dance and potlatches and to some of the more autocratic attempts to enfranchise them. A few Indian political associations became active during the period in order to take up specific grievances and to give Indians a voice in their future. Although these were strongly resented by the Department, there were signs of change in departmental thinking shortly after the period had ended.

Frequently, thes situations discussed in this study originated well before 1918. It has therefore been necessary in some instances to sketch a brief historical outline before dealing with the inter-war period. Very often, the questions have not yet been settled. This study then becomes the background for many situations that still challenge the Department and the Indian people. As this is a study of policy in a specific period, it is inevitable that situations and subjects are caught in mid-stream or are examined only at a particular point in their sometimes long history.

Although the nineteenth century had been an immensely energetic and creative period, the developments of the time had negative effects for Native peoples. During the second half of the twentieth century, this situation was redressed. Attempts were made (and continue to be made) to come to terms with Indian problems as Indian people perceive them. While much remained to be done, the turning point had already been reached.

Only the most tentative beginnings of this process occurred during the inter-war period. Ideas and attitudes were still largely fixed in an earlier mould. What is interesting, however, is the degree of understanding achieved by some Indian people about themselves and their situation. This is evident in their approach to issues such as the British Columbia land question, enfranchisement, and Indian political associations. The British Columbia Indians wanted to negotiate with governments as equals. Political associations were intended to be channels of communication and vehicles for the determination of matters affecting Indian people and their future.

There began to develop during this period, concepts of 'being Indian' that differed from mere enfranchisement and were not necessarily incompatible with full Canadian citizenship. Here were the origins of such concepts as 'Citizens Plus' and 'First Nations'. These ideas were not taken seriously by policy makers and administrators. They were probably not even understood at the time. Nevertheless, by the end of the period there were signs that this could change. Indian people might be able to explain their position to policy makers and might begin to share in the determination of their future.

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PART I

The Aftermath of War

From 1914 to 1918, Canada, in common with the rest of the British Empire, was at war with the central powers of Germany, Austria, and their allies. Even though status Indians were exempted from military conscription, more than 3,500 Indian enlistments were recorded by the Department of Indian Affairs. Possibly even more had enlisted of whom the Department was unaware. Even that number represented about 35% of the Indian male population of military age in the then nine provinces.[1]

The war changed the conditions of life in Canada as it did in many other parts of the world. While some of these changes were only temporary wartime conditions, many of them continued on to shape the post-war world.

Indian policy was not directly or significantly altered by the war. However, two wartime measures that did impinge upon Indian policy were the Soldier Settlement Acts and the Greater Production campaign.

CHAPTER 1

Greater Production

The Greater Production campaign came into operation during the final year of the First World War, ostensibly to increase agricultural production in response to war needs. As a result of the war, the governments in Canada had become accustomed to an unprecedented amount of intervention into many areas that had formerly been left to private direction. "By 1918 the free-wheeling economic activity and business practices of pre-war years had been replaced by government regulation, government control, and, in a vital sector of the economy, a healthy dose of government ownership."[2]

Governments controlled wheat sales, fuel, and food. "By 1918 the war had carried the governments of Canada, national, provincial and municipal, to an overseers' role in Canadian business".[3] In addition, both military conscription and the income tax had been introduced as resources were mobilized to fight the war. Given the atmosphere of government control of vital activities and the belief that food production was essential to an Allied victory,[4] it is not surprising that agricultural land was also pressed into service.

In the United States, a similar campaign had been introduced in 1917. President Wilson had called upon American farmers to "become soldiers of the commissary".[5] Following this presidential address of April 10, 1917, the United States Bureau of Indian Affairs was enthusiastically brought into the campaign. The government encouraged Indians to farm their own land and at the same time intensified leasing.

In Canada, a similar program was undertaken. Prime Minister Robert Borden reported to the House of Commons on March 19, 1918,[6] telling the members that the Canada Food Board, which was supervising the work of greater production in Canada, had made arrangements with the provincial governments for their co-operation and assistance. They had generally approved a plan "respecting greater production of cereals and meats in Canada". The Hon. Charles Dunning was in charge of the western provinces. Steps were being taken to find tenants for unoccupied land and to encourage farmers to break new ground for the 1919 crop. "Reports to hand indicate that the acreage in Western Canada this season will be the largest ever planted, and plans are being considered and worked out now with a view to having as much new land as possible broken up during the present year for crop in 1919. In a general way, the aim is to concentrate on cereals and meat."[7]

Although every province was included in the campaign, attention was focused on the western provinces where the most of Canada's unused agricultural land was believed to exist. Much of the land considered to be idle was Indian reserve land.[8] In early January 1918, W. M. Graham, inspector of Indian agencies for the south Saskatchewan inspectorate, wrote to Arthur Meighen, Minister of the Interior and Superintendent General of Indian Affairs, with reference to the urgent call for increased production. Graham pointed out that his inspectorate contained 340,000 acres of pasture lands of which only 120,000 were being used. He also had men capable of handling stock. Although he was referring only to the unused potential of his own inspectorate, Graham saw the wider possibilities. "You can realize what this policy would mean if carried out on all the reserves in Manitoba, Saskatchewan, Alberta and British Columbia."[9] Graham had also noted that many bands had large sums of idle money that could be put to use and concluded, "This being the case it seems to me there is nothing left but to put into operation one of the greatest schemes for developing production that ever took place in Western Canada."

On February 18, 1918 an order in council was passed, appointing Graham commissioner for the Department of Indian Affairs in Manitoba, Saskatchewan, and Alberta with sole charge of Greater Production and responsible to the minister.[10] He was instructed "to stimulate, encourage and instruct the Indians in order that they may place larger areas under cultivation and materially increase their crops." He was also to establish and operate Greater Production farms on Indian reserves. The third branch of the program for which he was responsible was the leasing of reserve land to non-Indians for farming and grazing purposes.

To provide statutory authority for the Greater Production campaign on Indian reserves, the Indian Act was amended. During parliamentary debate on the bill to amend the Act, some members objected to compulsory measures to put Indian reserve lands into production while private lands were not similarly affected. J.E. Pedlow, member for Renfrew South, told the House of Commons, "It seems to me that this enactment is designed for the purpose of benefiting farmers whose land adjoins Indian reserves. It is not reasonable that an inroad should be made on Indian reserve lands in the West until the other lands throughout that country have been taken up. There is something in connection with this enactment which does not seem square to the Indians."[11] His comment was ignored. However, Jospeh Read, member for Prince (Prince Edward Island), also referred to large land speculators:

> The Government are doing the right thing in protecting not only the general public, but their wards as well. But the Government have other landed wards who own, control, and hold out of use large tracts of land in Western Canada - I mean the big interests. What is the Government going to do about them?[12]

Meighen's only comment was, "We feel that they are quite capable of taking care of themselves."[13] The bill passed and received royal assent on May 24, 1918.

In the House of Commons, Meighen explained that the Superintendent General already had the power to dispense with the consent of a band with respect to surveys and drainage.

> We are simply extending that principle. It is necessary to do so now, particularly, in view of the production campaign that we have under way throughout the Indian Reserves of Western Canada. The Indian Reserves of Western Canada embrace very large areas of land far in excess of what they are utilizing now for productive purposes. We have well under way in that country a campaign for the utilization of those reserves, for stock raising, for grain production, and, for the present, of course, in many cases, merely for summer fallowing. But we do not want to have this campaign entirely at the mercy of the Indian bands themselves. We do not want to have those bands stand in our way and say to us: Notwithstanding the necessities of today, you must keep off all this vacant land unless we choose to give it up to you and ourselves forgo the great privilege of roaming on it in its old, wild state. We want to be able to utilize that land in every case; but, of course, the policy of the department will be to get the consent of the band wherever possible, and to meet the bands in such spirit and with such methods as will not alienate their sympathies from their guardian, the Government of Canada. We do not anticipate that we shall come into very serious conflict with any band. It is only the more backward bands that offer any objections at all to the utilization of their land.[14]

The amendment was passed, giving statutory authority for the work that had already begun under an order in council.

This amendment to section 90 of the Indian Act permitted the Superintendent General to arrange for the cultivation of any reserve land not being cultivated by a band or by an individual holder without a surrender. He was also authorized to expend band capital funds for that purpose without the consent of the band. He was given authority to lease the land to non-Indian farmers or to farm the land as a government operation. The proceeds of Greater Production activities were to go to the band or individual concerned after the value of any improvements had been deducted.[15]

Describing the Greater Production activities undertaken on Indian reserves, Duncan Campbell Scott, Deputy Superintendent General of Indian Affairs, described the assistance, instruction and encouragement given by the Department to Indians to bring as much of their reserve land as possible under cultivation. Seed grain had been distributed, courses had been given in Indian schools and elsewhere, and fall fairs had been held.[16] "On the reserves this year [1918] the Indians had a total of 55,657 acres in crop, which is the largest acreage that was ever sown."[17]

In addition to encouraging Indians to increase the scale of their farming operations, the Department also established five Greater Production farms where a total of 19,431 acres were sown. Finally, they leased to non-Indians 16,374 acres for grain production and 297,024 acres for grazing.[18]

Meighen reported to the House of Commons that Greater Production had been a success.

> But I have gone far enough to show that no more successful enterprise has ever been launched in Canada, or, up to the present time at all events, no better managed enterprise. The results will be good from the point of view of returns from the money invested; they will be better still from the point of view of the good resulting to the Indian, who is taking more interest in his work than he did and is keeping busy instead of idle.[19]

It is difficult to establish criteria for success in connection with a project like Greater Production. It becomes necessary to compare actual results with a projection of what might have been. In practice, it is simpler to compare results before and after the campaign. That is what seems to have been done by both critics and supporters.

A contemporary witness of Greater Production on one large reserve took issue with the government's claims of success. R.N. Wilson had been the Indian agent for the Blood and Peigan reserves from 1898 to 1911. His charges were printed privately in 1921.[20] His claim that the Blood had done well in farming prior to Greater Production is certainly supported by the departmental annual reports from which he took many of his statistics. The annual report for the year ending March 31, 1917 states, "The Blood, Peigan, and Blackfoot bands have of recent years met with great success in their farming operations."[21] A more specific entry claimed that "the Blood Indians have the largest herds, comprising upwards of 4,000 head of the finest beef cattle in the West."[22]

Wilson charged, however, that the Blood herd had been decimated because of over-grazing and the loss of the best hay lands under Greater Production.[23] As a result many cattle died of starvation during the winter of 1919-20. One problem in assessing the validity of this charge is in determining whether the lands taken were being fully used by the Bloods before Greater Production. Wilson claims that they were and that this was the direct cause of heavy losses to the Blood cattle herd.

The other problem is to assess the loss on the Blood Reserve in relation to losses experienced throughout southern Alberta during that same winter. Wilson estimated that 1,580 cattle were lost from a herd of 3,742 in the spring of 1919,[24] or about 42%. Wilson mentioned the severity of the winter of 1919-20 to discount it as the major cause of the Blood's loss of cattle and horses that year.[25]

Graham, on the other hand, pointed to the unusally severe winter as the cause of the losses and claimed that the Blood had suffered least.[26] The winter, he said, had lasted eight months and had concluded with a heavy snowstorm in early May. The shrinkage in the number of horses and cattle between 1918 and 1920 in Alberta was 335,641. In the Cardston area, where the Blood Reserve is located, losses had been about 40%. It would appear then that the Blood's cattle loss of 42% was typical for the area.

Graham claimed that by August 1919 he had realized that there was an extreme shortage of hay in southern Alberta and had taken action to obtain hay from regions where supplies were more plentiful. Hay had been given to the Blood as well as to other cattle breeders. While not denying that the Blood had suffered heavy losses, Graham countered that no one had fared better than they. He even charged that, despite the shortage of hay, some of them had sold what they had to take advantage of high prices.

In his report of January 20, 1921 to Sir James Lougheed, Minister of the Interior, Graham did not directly deny that the grazing leases had deprived the Blood of land that might have saved their stock. He did deny that the Blood were making use of it in the way that Wilson had claimed and pointed out that the lessees could not have been turned off with a moment's notice. His main point, however, was that losses had been the result of an unusually hard winter.

While Graham was not an impartial witness, it is unlikely that Wilson was either. The dates of his appointment and resignation as Indian agent on the Blood Reserve at least raise the suspicion that he had been a political appointee who had a score to settle with the Conservatives over the loss of his position. Some highly biased political comments towards the end of his booklet strengthen this suspicion and weaken any argument that Wilson was simply an impartial friend of the Indians.[27] Neither Wilson's nor Graham's statements can be accepted without corroboration.

Wilson's charges refer to a specific problem in one locality and cannot be assessed adequately in this general study. A recent article dealing with Greater Production raised the issue of the Blood Reserve but simply repeated Wilson's charges uncritically.[28]

The same article advanced an assessment of the Greater Production campaign.

> In 1918, Arthur Meighen claimed that his campaign to increase production of food on Indian reserves had been a great success, with that year's crop being the best in the history of the reserves. However, agricultural production statistics on the reserves for that period contradict Meighen's statement concerning wheat, which was the main crop on reserves in the West.[29]

> Production had reached 388,731 bushels in 1916 but fell to 255,884 in 1918, the year when Meighen claimed there was an increase.[30]

The other figures provided in the article are for the Blood Reserve. "Interestingly, wheat production by individual Indians on the Blood Reserve slipped from 65,000 bushels in 1917 to 5,000 bushels in 1919".[31]

The impression given by these statistics is that Greater Production across Canada, insofar as wheat was concerned, had been a failure, contrary to Meighen's general assessment, and on the Blood Reserve it had been a complete disaster. However, on the same page as the total figure for the 1918 crop year (255,884 bushels), the departmental report gives the statistics for Alberta alone. The total wheat harvest in 1918 for all Alberta reserves was only 19,814 bushels,[32] compared to 180,457 in 1916.[33] Also on the same page is the explanation. "Drought and frost caused almost complete failure in wheat crop."

If Alberta is omitted from the equation (because weather had ruined the wheat crop), a fairer comparison can be made. In western Canada, the wheat harvest in Manitoba and Saskatchewan in 1918 was 160,515 bushels[34] compared to 129,600 in 1916,[35] an increase of 30,915 bushels. For Canada as a whole, the figures were 208,274 and 236,070 for 1916[36] and 1918[37] respectively. The cross-Canada increase in wheat production would then have been 27,796 bushels.

It is also necessary to note that Meighen's claim of success for the Greater Production campaign was not limited to wheat but was a general assessment. When production figures for all crops are taken into account, there is an increase in the 1918 harvest over the 1916 harvest for oats, other grains, peas and beans, potatoes and hay. In fact, of all the crops reported, only wheat and "other roots" showed a decrease.[38] Since there was an unavoidable loss of most of the wheat harvest in Alberta in 1918, it is difficult to quarrel with Meighen's assessment.

Scott, reporting on the first year of the Greater Production campaign, concluded that its importance had overshadowed all other considerations during that year.[39] In spite of this statement, or perhaps because of it, he told Meighen in the spring of 1919 that they should get out of Greater Production. It had been urgent because of the war, he said, but could not properly be included within the scope of the Department's work. They should discontinue grain-growing independent of the Indians. Leasing, too, he said, had served its purpose and was "an obstacle to the consummation of the chief end that we have in view in our administration, which is the rapid civilization of the Indians."[40]

He advised breaking up the reserves by obtaining surrenders. Leases were a hindrance, he thought, since Indians would not surrender lands from which they were deriving a revenue. If the reserves were broken up, the Indians could be brought closer together. This would simplify administration on the reserves because agents would not have to waste time travelling over large areas.

> The need for such action as I have outlined above is so imperative in the interest of the Indians that should they be unwilling to comply with the policy of the Department in connection therewith, we should, in my opinion, be provided with comprehensive legislation whereby they might be compelled to do so.[41]

Some of the land Scott considered to be in excess of Indian needs was soon taken up for soldier settlement.[42] However, that in itself did not solve entirely what Scott had described as "one of the most important problems at present confronting the Department". Nearly three years later he wrote to Graham on the subject expressing the same opinions. He asked Graham to let the Department have his views and suggestions.[43]

It is unlikely that Graham agreed with Scott. At least one Greater Production farm (Muscowpetung) was still in operation as late as 1932. Graham was ordered peremptorily to close it only a little more than a month before he and Scott were both to retire.[44]

After 1920, Greater Production received no mention in departmental annual reports. It had lost its significance for Scott. While the program had taken Indian land temporarily for government farms and for leasing to non-Indians, it did not in itself involve the permanent loss of reserve land. The Soldier Settlement Acts that followed did.

CHAPTER 2

The Soldier Settlement Acts

When the war began in 1914, it was generally believed that it would be over by Christmas. As it dragged on, more and more men were drawn into it. Many of them were wounded and sent home even before the war had ended. The government had to prepare for the day when the war would finally end and all of the surviving soldiers would return. In 1917, soon after the formation of the union government, a cabinet committee on reconstruction was established to deal with the transition from war to peace, including the re-establishment of soldiers in civilian life.[45]

One measure adopted for the purpose of civilian re-establishment was the Soldier Settlement Act of 1917. Agricultural settlement was still regarded as a key factor in national growth and one to be encouraged by the government.[46] The Soldier Settlement Act was designed to further this national goal while serving the needs of some of the returning soldiers.

The Act authorized the Minister of the Interior to reserve dominion lands for soldier settlement. When the bill was introduced in Parliament, considerable discussion centred around the question of where suitable lands for proposed settlement could be found. It was assumed that most of the suitable dominion lands were in the prairie provinces. The chief problem was to ascertain how much of the available land was suitable for agriculture and was sufficiently close to railways and towns.

Early in the discussion, the member for Medicine Hat, W.A. Buchanan, raised a viewpoint that would be heard again.

> At the present time there are very few, if any, Dominion lands available close to railroads, but there are lands occupied on lease and used as Indian reserves that would suit this particular purpose if these lands could be exchanged for Dominion lands further away from a railway. I know that in the southern part of Alberta some of the most desirable land is held as Indian reserves and on lease. I want to see the Indians treated fairly, but in nearly every case these reserves are far too large for the number of Indians now occupying them.[47]

The Minister of the Interior, W.J. Roche, replied that Indian lands, unlike dominion lands, would have to be purchased. "I do not suppose he proposes that we should do that."[48] On another occasion, the Minister argued that there were plenty of suitable dominion lands available. He contended that the purchase price of Indian lands would put them out of range of the average soldier settler.[49] Nevertheless, members insisted that most of the suitable land would be found only north of the prairie and would have to be cleared. In the end, they were proven correct.[50]

One member referred to a remark made by Lord Shaughnessy, president of the Canadian Pacific Railway, to the effect that good land near the railway was being held by speculators and should be brought into production. Some members wanted to include powers of expropriation in the bill. The minister did not think such powers appropriate at that time, because they did not yet know how many returning soldiers would take up land.[51]

The Soldier Settlement Act of 1917[52] provided for the appointment of a Soldier Settlement Board with power to reserve dominion lands and to grant free entry for not more than 160 acres of such reserved lands to qualified applicants. The board could also make a loan not exceeding $2,500 to a soldier to enable him to commence farming and could make provision for farming instruction for inexperienced applicants. The Act was put into operation in January 1918.

By the summer of 1919 only 2,000 soldiers had taken up land. There were many reasons for this disappointing result; one of them was, no doubt, the poor quality of the land being made available.[53] As a result, the original Act of 1917 was replaced two years later by the Soldier Settlement Act of 1919.[54] In addition to the powers granted to the board by the former Act, the board was now able to acquire, by compulsory purchase "from all persons, firms, and corporations, such agricultural land as it may deem necessary".

In introducing the bill, the Minister of the Interior, Arthur Meighen explained that

> ...as time went on it became apparent that the area of available land suitable for agriculture still left unhomesteaded in the western country was going to be insufficient to permit the Soldier Settlement Board, established under that Act, to meet the demand or, indeed, to engage on any very extensive settlement afterwards.[55]

A British Columbia member, Frank B. Stacey (Westminster District), proposed an amendment permitting expropriation of Indian reserve land in his province. Stacey claimed that in British Columbia a large area of land was held as Indian reserve land. He claimed that much of it was unused and never would be used. He wanted to do justice to the Indians but not to allow them "to hold thousands of acres of the finest land without any pretense whatever of its being used for purposes of production."[56] Meighen refused to accept the amendment, arguing that they could not deal with Indian reserve lands on the same principles as applied to private land because of the treaties and agreements made with the Indians. To do so would cause dissension. Furthermore, it was unnecessary, because they were already arranging valid surrenders of unused lands in Indian reserves.[57]

The Soldier Settlement Act of 1919 appeared with the following reference to Indian reserve land:

> The Board may acquire from His Majesty by purchase, upon terms not inconsistent with those of the release or surrender, any Indian lands which, under the Indian Act, have been validly released or surrendered.[58]

Even before the new Act received royal assent on July 7, 1919, the Department of Indian Affairs had withdrawn all western surrendered Indian lands from sale and had placed them in the hands of the Soldier Settlement Board.[59]

Since the prairie provinces were considered particularly suitable for agricultural settlement, plans were made to acquire even more western reserve land.

> With reference to the Indians [sic] lands which had not been surrendered it is understood that Mr. W.M. Graham, Commissioner for this Department at Regina, and the Provincial representatives of the Board shall examine such available lands and place a valuation upon them, and

> that Mr. Graham will then endeavour to secure a surrender from the Indians of the lands to be disposed of to the Soldier Settlement Board.[60]

Scott reported that 62,128 acres of reserve land (apparently from the prairie provinces) had been surrendered in 1919 and turned over to the Soldier Settlement Board along with an additional 9,134 acres that had already been surrendered.[61] This figure is close to that cited in the Canadian Annual Review which stated that "eight Indian reserves, aggregating 68,000 acres, had been made available for the soldier settlers..."[62] Most of the Indian land sales to the Board and surrenders for that purpose seem to have been made early, when the demand was at its peak. A report of 1922 lists only one more reserve surrender.[63] These surrenders have become the subject of present-day Indian grievances, as lands were taken for a purpose other than the welfare of the Indians.

CHAPTER 3

Indian Soldier Settlers

No sooner had the Soldier Settlement Act of 1917 been put into operation than a question was raised regarding Indian soldier settlers. Graham wrote to Ottawa to ask what the Department's policy was with regard to returning Indian soldiers.[64] He specifically mentioned two disabled men. He was told by J.D. McLean, Secretary of the Department, that disabled Indian soldiers were entitled to pensions from the Militia Department the same as non-Indian soldiers, but that "the Department is anxious to do everything it can to help them earn at least as good a living as they did before enlistment".[65] Each case would have to be dealt with on its own merits, and Graham was therefore instructed to make a full report of the circumstances of the two Indians he had referred to. McLean speculated that it might be possible to have bands grant assistance from their band funds.

Graham replied immediately in a testy manner, telling McLean that he was quite aware of the pension entitlement. His concern was that "the pensions that have been allowed to Indians so far are utterly inadequate to keep them.... Are these men entitled to anything under the Soldiers' Settlement Act [sic]? If they are, and we could get $1,500.00 or $2,000.00 for each, we could solve the difficulty."[66]

Graham does not appear to have received an immediate answer. In June, he wrote to put his questions again, this time to Scott. In doing so, Graham made a comment that may have shaped policy for Indian soldier settlers. "Land of course will not be required as that can be found for them on the Reserves."[67] Scott wrote shortly afterwards to the Secretary of the Soldier Settlement Board referring to Graham's letter and his suggestion regarding reserve land. He asked Samuel Maber what assistance could be given to disabled Indian soldiers to provide them with the necessaries for farming.[68] Maber saw no difficulty in providing land for Indian soldier settlers on reserves, except where the question of a mortgage on reserve land arose.

> I beg to say that it would be a pleasure to extend to an Indian soldier the same benefits as are being extended to other soldiers so far as it can be done in accordance with the conditions of the Soldier Settlement Act and of the Indian Act. If an Indian could comply with the conditions of the Soldier Settlement Act, that is establish his qualification as a settler, able to make a living as a farmer, and give to the Board security of first charge or first mortgage on the land he proposes to farm, the Board would be allowed to advance to him an amount justified by the security which he gives. It is noted that the Indian Department would be prepared to vouch for the qualification of the Indian as being a settler likely to make good and repay the loan. It is noted also that the Indian Department would be able to provide land on the different reserves and that the financial assistance would be for the purpose of equipping the Indian with implements, stock, seed, etc. I beg to ask whether there is any way by which a first charge or first mortgage could be given to the Board on the land to be granted or allocated to the Indian as security for the advance.[69]

By October, Scott was ready to discuss the issue with the minister. He told Meighen that the subject had recently been given careful consideration and he outlined the issues involved. "There can be no question as to the rights of Indian soldiers to participate in the benefits of the Soldiers' Settlement Act [sic], nor does there appear to be anything in the Indian Act to prevent an Indian, whether of the Eastern or Western Provinces, from receiving a grant of lands outside of a reserve and hypothecating such lands to the Board for loans advanced."[70]

If Scott had stopped there, it is possible that Indian soldiers might have been settled in the same way as their erstwhile non-Indian comrades. However, he picked up Graham's suggestion regarding land on the reserves.

> I should think, however, that it would be advisable as far as possible, to have the Indians provided with land on reserves and to be under the supervision of the Department and to leave available land outside of reserves for other applicants. These Indian soldiers who hold land on reserves will probably return to their lands and cultivate them. There is much vacant land on reserves in the Western Provinces which should be available for the Indians from those reserves. In the Eastern Provinces, however, where the majority of the Indian soldiers come from, there is very little vacant land for allotment outside of Walpole Island, Manitoulin Island and reserves in what is known as Robinson Treaty Territory (that is Lake Huron and Lake Superior Districts).[71]

Arthur Meighen was himself from the west and shared these views. He accepted without question Scott's recommendation with respect to settlement on reserves.

> Regarding the question of assistance, it is possible that the question of providing land for the returned Indian soldiers will require very little thought or action, as the reserves of the western provinces particularly contain far larger areas of farming lands than will ever by required by the Indians belonging to them even if every able-bodied Indian were to carry on farming operations on a large scale. I do not think one-third of the arable land will ever be used by Indians. The farms of the Indians who enlisted are being worked by those left behind, and will be available when the men return. Many Indians enlisted who previous to the war had not settled down to farming, although they had every opportunity to do so. If these men desire land when they

> return, an allotment on their own or some other reserve can be made without any difficulty. It is the question of providing funds for these returned Indians that requires attention.[72]

Scott had raised the possibility of the enfranchisement of returned soldiers as an alternative to supervision for purposes of the Soldier Settlement Act.[73] Meighen was inclined to reject this alternative. He thought the best way to reward them was to establish them on reserves, supply them with equipment, and give them "wise and close supervision until they have advanced sufficiently to warrant all restrictions being removed."[74] He left the question open for the time being. "The matter requires earnest thought, and it is possible you might desire to make some further representations after you have given the matter more consideration."

By March, the decision had been made to amend the Indian Act based on the twin policies of providing Indian soldiers with land on reserves and supervising them through the regular administrative apparatus of the Department of Indian Affairs rather than the Soldier Settlement Board. An amendment to the Indian Act gave the Superintendent General of Indian Affairs (the Minister of the Interior) most of the powers of the Soldier Settlement Board with respect to Indian soldier settlers.[75] Scott justified the amendment in his report.

> A number of amendments have been made to the Indian Act during the past year, the most important of which is that providing for the administration of the Soldier Settlement Act by the Department of Indian Affairs in so far as returned Indian soldiers are concerned....
>
> It is proposed to settle the Indian soldiers as far as possible on reserves belonging to the bands of which they are members, with a view to relieving the claims for land

> on behalf of returned soldiers to that extent. When these returned Indian soldiers are thus settled on the reserve, the administration of their affairs is, under the legislation above quoted, left entirely in the hands of the Department of Indian Affairs, thus avoiding the confusion which would inevitably arise if their affairs were administered partly by the Department of Indian Affairs and partly by the Soldier Settlement Board. The Indian agents throughout the Dominion have a personal knowledge of the capabilities and needs of Indian returned soldiers belonging to their respective agencies, and are, therefore, able to supply the information and assistance required in the same manner as the qualification committee, field agents, inspectors, etc. under the Soldier Settlement Act, thus reducing the cost of the work to a minimum. This arrangement, moreover, is considered more satisfactory by the Indians themselves, who prefer to have all matters which relate to them personally in any way dealt with by their own department.[76]

The amendment was given royal assent on July 7, 1919. Meanwhile an order in council was prepared, dated March 27, to enable the Department to take immediate action. This was necessary because the war had come to a sudden end in November and, as Graham brought to Scott's attention, "every day men are returning and require individual help as soon as they reach the reserve. Spring is now upon us."[77] Graham had first raised the question over a year ago. He now asked for immediate help.

The Department responded quickly. Scott discussed the problem with the Minister who gave Graham authority to provide each returned Indian soldier with a loan of up to one thousand dollars as an emergency measure. A telegram to Graham[78] was followed by a letter confirming the information in the telegram and adding that there would be no need to purchase land since in the west there was more than sufficient land on the reserves. "All loans must be secured by a first mortgage on the land, stock, equipment, buildings and general effects of the Indian settlers."[79]

By the end of August, Scott was able to report that the Department had "made arrangements for 26 returned Indian soldiers and 18 cases are in process of settlement. We have loaned $28,000.00 under the provisions of the Act."[80]

Despite the speed with which Scott had obtained authority for Graham to assist returned Indian soldiers in anticipation of the amendment to the Indian Act, Graham was still disappointed. "As you are aware, the question of assistance to Indian Soldiers was taken up by me over a year ago and I was in hopes that arrangements would have been completed early enough this year to enable me to take the necessary action to get our young men to work immediately they returned. If action had been taken in February or March, there would have been better prospects of getting something done this season."[81]

Concern over mortgaging reserve land as required by the Soldier Settlement Act was dispelled after the departmental law clerk had looked into the matter. He told Scott that section 197 of the Indian Act had been incorporated to get over any obstacle in the way of taking a mortgage. He explained that only the soldier settler's interest was mortgaged, not the land itself.[82]

By May 1920, 130 loans had been granted, for a total expenditure of $192,397.[83] In only half a dozen cases had non-reserve land been purchased.[84] It is interesting that, in spite of the emphasis on western settlement, one-third of the loans made by this time were on the Six Nations Reserve at Brantford, Ontario.[85]

By March 31, 1924, a total of 218 loans had been made, for an expenditure of $458,983. Only 16 applications were received that year, indicating that the work of soldier settlement was nearly finished. After 1923, it was no longer mentioned in departmental reports.

After this time, soldier settlement largely involved supervising the loans already made. Considerable individual attention was often given to soldier settlers by the local Indian agents and by headquarters. Additional loans were sometimes made to expand operations or to carry a farmer over a poor crop year. Some of these loans were still in effect in the late 1940s, by which time statutory reductions in the amounts were used in an attempt to retire them.

One interesting suggestion in connection with soldier settlement was made in the House of Commons by John H. Sinclair, member for Antigonish and Guysborough in Nova Scotia. He proposed that soldier settlement loans should be made to equip returned soldiers wishing to engage in fishing as well as those who wished to farm.[86] This suggestion might have had some value to Indian people on both the east and west coasts as well as to some living on inland waters. Meighen replied that the suggestion had some merit. The Minister of Marine and Fisheries, Charles C. Ballantyne, had also put it forward. Nevertheless, it would be necessary, he said, to await the report of the Committee on Pensions and Re-establishment. No evidence has come to light in the reports of the Soldier Settlement Board or elsewhere that this suggestion was ever acted upon.

ENDNOTES

PART I

1. Canada, Sessional Papers, 1919, No. 27, Report of the Deputy Superintendent General, p. 14.

2. R.C. Brown and Ramsay Cook, Canada 1896-1921, McClelland and Stewart, 1974, p. 247.

3. Ibid., p. 239.

4. Canada, House of Commons Debates, 1918, pp. 27-28. Except for the first reference in each Part, this source will be cited as Hansard.

5. See D.L. Wood, "American Indian Farmland and the Great War", Agricultural History, 1981, Vol. 55, No. 3, pp. 249-65.

6. Hansard, 1918, pp. 25 ff..

7. Ibid., p. 26.

8. See C.S.P., 1919, No. 27, p. 11 and Hansard, 1918, pp. 1051-52.

9. Public Archives of Canada, MG26 I, Meighen Papers, Vol. 4, file "Interior Matters", W.M. Graham to Arthur Meighen, January 7, 1918. See the bibliography for an explanation of the initials used in these references.

10. PAC, RG10, Vol. 4069, file 427, 063, Memorandum to the Hon. Arthur Meighen, February 28, 1918.

11. *Hansard*, 1918, p. 1055.

12. *Ibid.*

13. *Ibid.*

14. *Hansard*, 1918, p. 1048.

15. Canada, *Statutes*, 8-9 Geo. 5, C. 26, 1918. See Exhibit 1.

16. C.S.P., 1919, No. 27, p. 11.

17. C.S.P., 1920, No. 27, p. 12.

18. *Ibid.*, pp. 10 and 12.

19. *Hansard*, 1919, p. 4668.

20. R.N. Wilson, *Our Betrayed Wards*, Ottawa, 1921.

21. C.S.P., 1918, No. 27, Report of the Deputy Superintendent General, p. 28.

22 C.S.P., 1919, No. 27, Report of the Deputy Superintendent General, p. 49.

23. Wilson, pp. 11-16.

24. *Ibid.*, pp. 15-16.

25. *Ibid.*, p. 18.

26. PAC, MG26 I, Meighen Papers, Vol. 31, file 101.

27. Wilson, p. 25.

28. James Dempsey, "The Indians and World War One", Alberta History, Summer 1983.

29. Acres sown to oats in the three western provinces exceeded those sown to wheat in 1916 and were only slightly less in 1918. In terms of bushels harvested, oats far exceeded wheat in both years. C.S.P. 1917, p. 37 and 1919, p. 63.

30. Dempsey, p. 7. These figures refer to all reserves in Canada.

31. Ibid. These statistics appear in C.S.P., 1917, p. 32 and C.S.P., 1919, p. 60 and refer to the crop years 1916 and 1918 respectively.

32. C.S.P., 1919, p. 63.

33. C.S.P., 1917, p. 37.

34. C.S.P., 1919, p. 63.

35. C.S.P., 1917, p. 37.

36. Ibid.

37. C.S.P., 1919, p. 63.

38. See C.S.P., 1919 p. 63 and C.S.P., 1917, p. 37.

39. C.S.P., 1919, No. 27, Report of the Deputy Superintendent General, p. 10.

40. PAC, RG10, Vol. 4069, file 427, 063, Scott to Meighen, April 3, 1919.

41. *Ibid.*

42. See the following section, "Soldier Settlement".

43. PAC, RG10, Vol. 4069, file 427, 063, Scott to Graham, February 22, 1922. See Also *Hansard*, 1922, p. 1224.

44. PAC, MG26 I, *Meighen Papers*, Vol. 159, file 76, Scott to Graham, February 20, 1932.

45. Brown and Cook, p. 322.

46. See V.C. Fowke, *Canadian Agricultural Policy: The Historical Pattern*, University of Toronto Press, 1946. "The federal government's first and most persistent form of aid to Canadian agriculture comprised the encouragement of immigration and of agricultural settlement on the prairies." p. 186.

47. *Hansard*, 1917, p. 1163.

48. *Ibid.*, p. 1164.

49. *Ibid.*, p. 3619 ff.

50. See E.J. Ashton, "Soldier Land Settlement in Canada", *The Quarterly Journal of Economics*, Vol. XXXIX, May 1925, pp. 489 and 492.

51. *Hansard*, 1917, p. 4918.

52. Canada, *Statutes*, 7-8 Geo. 5., C. 21, 1917.

53. See Roger Graham, *Arthur Meighen*, Clark Irwin, 1960, I, pp. 246-47.

54. Canada, *Statutes*, 9-10 Geo. 5, C. 71, 1919.

55. *Hansard*, 1919, p. 3849.

56. *Ibid.*, p. 3877.

57. *Ibid.*, p. 3878.

58. Section 10.

59. PAC, RG10, Vol. 7484, file 25001, Pt. 1, Scott to Meighen, March 10, 1919.

60. *Ibid.*

61. C.S.P., 1920, No. 27, pp. 40-41.

62. *Canadian Annual Review*, 1920, p. 460. See E.C. Morgan, "Soldier Settlement in the Prairie Provinces", *Saskatchewan History*, XXI, No. 2, Spring 1968.

63. Canada, *Swords to Ploughshares*, Ottawa, 1922, p. 14.

64. PAC, RG10, Vol. 7484, file 25001, Pt. 1, Graham to McLean, January 21, 1918.

65. *Ibid.*, McLean to Graham, January 29, 1918.

66. *Ibid.*, Graham to McLean, March 4, 1918.

67. *Ibid*., Graham to Scott, June 10, 1918.

68. *Ibid*., Scott to Maber, July 24, 1918.

69. *Ibid*., Maber to McLean, August 7, 1918.

70. *Ibid*., Scott to Meighen, October 15, 1918.

71. *Ibid*.

72. *Ibid*., Meighen to Scott, November 8, 1918.

73. *Ibid*., Scott to Meighen, October 15, 1918.

74. *Ibid*., Meighen to Scott, November 8, 1918.

75. Canada, *Statutes*, 9-10 Geo. 5, C. 71, 1919. See Exhibit 2.

76. C.S.P., 1920, No. 27, pp. 28-29.

77. PAC, RG10, Vol. 7484, file 25001, Pt. 1, Graham to Scott, April 5, 1919.

78. *Ibid*., Telegram, Scott to Graham, May 1, 1919.

79. *Ibid*., Scott to Graham, May 7, 1919.

80. *Ibid*., Scott to Meighen, August 30, 1919.

81. *Ibid*., Graham to Scott, July 23, 1919.

82. *Ibid.*, A.S. Williams to Scott, September 10, 1919.

83. *Ibid.*, Scott to Meighen, May 22, 1920.

84. *Ibid.*, Scott to Sir James Lougheed, Minister of the Interior succeeding Meighen who had become Prime Minister, January 25, 1921.

85. C.S.P., 1922, No. 27, p. 16.

86. *Hansard*, 1920, p. 3219.

Exhibit 1

An Act to Amend the Indian Act
(excerpt)

8-9 GEORGE V.

CHAP. 26.

An Act to amend the Indian Act.

[Assented to 24th May, 1918.]

Lease of lands in a reserve if band or individual neglects cultivation.

" (3) Whenever any land in a reserve whether held in common or by an individual Indian is uncultivated and the band or individual is unable or neglects to cultivate the same, the Superintendent General, notwithstanding anything in this Act to the contrary, may, without a surrender, grant a lease of such lands for agricultural or grazing purposes for the benefit of the band or individual, or may employ such persons as may be considered necessary to improve or cultivate such lands during the pleasure of the Superintendent General, and may authorize and direct the expenditure of so much of the capital funds of the band as may be considered necessary for the improvements of such land, or for the purchase of such stock, machinery, material or labour as may be considered necessary for the cultivation or grazing of the same, and in such case all the proceeds derived from such lands, except a reasonable rent to be paid for any individual holding, shall be placed to the credit of the band: Provided that in the event of improvements being made on the lands of an individual the Superintendent General may deduct the value of such improvements from the rental payable for such lands."

Exhibit 2

An Act to Assist Returned Soldiers
in Settling Upon the Land
(excerpt)

9-10 GEORGE V.

CHAP. 71.

An Act to assist Returned Soldiers in settling upon the Land.

Compulsory purchase.

8. The Board may, for the execution of any of the purposes of this Act, acquire by way of compulsory purchase, in the manner provided by Part III of this Act, from all persons, firms, and corporations, such agricultural land as it may deem necessary.

Arrangements with provincial governments to acquire agricultural lands.

9. (1) The Board may, with the approval of the Governor in Council, arrange with the Government of any province,—

(a) for the acquiring or utilizing for any of the purposes of this Act of any Crown or other agricultural lands of such province; and,

(b) the terms and conditions upon which the Board will acquire, hold and dispose of or will utilize such lands, or upon which it will assist settlers to whom such province itself shall grant or convey any of such lands, such terms and conditions to be, as nearly as possible, the same as those which are by or under this Act provided with respect to settlers to whom the Board shall sell lands acquired by it.

PART II

Land and Livelihood

There was a close relationship between land and livelihood both in the Indian mind and in the view of the Department of Indian Affairs. About one-third of the Indian population lived directly off the land by hunting, fishing, and trapping, while a significant number practised agriculture. The Department had supported the former activities where and when they provided a living; otherwise it encouraged agriculture. Some Indians participated more directly in the general economy of the country through employment.

The decade of the 1920s was one of expansion and relative prosperity in the economy, in spite of a short depression as the period opened. However, the end of the decade saw the beginning of the Great Depression. Along with other Canadians, Indian people who participated in the general economy through farming or employment felt its effects. Those who lived by hunting, fishing, and trapping had their own problems to contend with during the inter-war period.

During the 1920s three major land settlements were concluded. Treaty Eleven in the Northwest Territories was a new land cession made necessary by a sudden interest in the Mackenzie River district. The Ontario treaties of 1923 and the British Columbia land settlement of 1927 were the results of longstanding disputes. In both cases, reports were completed in 1916 and were acted upon in the following decade. The government intended these settlements to be final. However, grievances left unresolved have since emerged to lay the foundations for Native peoples' claims in more recent times.

An amendment to the Indian Act placed Inuit affairs under the Superintendent General of Indian Affairs. In its original form it would have applied the Indian Act to Inuit, but the suggestion met with opposition in the House of Commons. This attention to the Native people of the Arctic developed because traders, prospectors and others were entering their territory in significant numbers.

CHAPTER 4

Treaty Eleven

All Canadian Indian treaties owe their rationale to British recognition of an aboriginal right to the territory inhabited by the Indians. This recognition was expressed in the Royal Proclamation of 1763, which also laid down principles and procedures for the surrender of Indian title. Indian lands could be surrendered only to the Crown at a general meeting of the Indians concerned and for a consideration. From the British and Canadian experience of treaty-making in what is now Ontario, a treaty policy had developed gradually. This policy became the basis for the western Canadian treaties of the 1870s.[1]

These western or numbered treaties were intended to extinguish the Indian title to the fertile belt from Lake of the Woods to the Rocky Mountains. This treaty-making cycle concluded with Treaty Seven. Railway building across the prairie followed, and settlers began to move onto the land. No more treaties were needed for a generation until the onslaught began upon the northern forest and mineral frontier towards the end of the nineteenth century, when a new round of treaties commenced north of the previously surrendered territory. They began with Treaty Eight in 1899 and ended with Treaty Eleven in 1921.

Treaty Eight was made with the Indians living in what are now northern Alberta, north-eastern British Columbia, north-western Saskatchewan, and a small portion of the Northwest Territories south and east of Great Slave Lake.[2] "Reacting first to the advent of prospectors and settlers during and after the Klondike gold rush, the [Indian Affairs] department made preparation to bring under treaty the Indians of the Athabaska and Peace River districts north of Treaty 6 and south of Great Slave Lake."[3]

After Treaty Eight had been concluded and the gold rush had ended, there was a pause in the movement of people northward. The Yukon gold rush had prematurely directed attention to one region of Canada's far north for a short time. Yet it was a precursor of a more gradual and sustained interest in the wealth to be obtained from the territory north of the agricultural frontier.

Now that interest had turned towards the north, Indian people were experiencing difficulty making a living, just as they had at the time of the more southerly treaties.

> After the gold rush had passed through the Athabasca-Mackenzie District, some white trappers and free traders moved into the country. This new breed broke the monopoly of the Hudson's Bay Company and altered the nature of the fur trade. Fierce competition for furs caused intensive and reckless trapping in some areas. Speculation and high prices encouraged unscrupulous trading practices. Northern game and fur became increasingly scarce as the Government was unable or unwilling to protect the Indian people and their economy.[4]

As a result of this situation, and because mining parties had begun to prospect in the Mackenzie district, proposals were made to the government to take into treaty the Mackenzie River Indians who lived north of the limits of Treaty Eight. A treaty was regarded as a bond of friendship to prevent enmity between Indians and non-Indians and to satisfy the former that their rights in the territory were not being overlooked. At the same time, the material benefits of a treaty would assist the Indians in times of hardship.[5]

Both the Roman Catholic and Anglican bishops had recommended a treaty. The Department's own inspector for Treaty Eight, Henry A. Conroy, made the same suggestion many times between 1907 and 1920.[6] Until 1920, Scott opposed all recommendations to make a treaty. "I have noted Mr. Conroy's suggestion as regards the proposed new Treaty with the Mackenzie River Indians. As there are no funds available and as it is a question of policy and of doubtful utility whether treaties should be made in this far northern district any more than in the adjoining territory in the Yukon, I think it might be allowed to stand for the present."[7]

René Fumoleau lists a string of examples dating from 1902 to 1915 to illustrate that the Indian people themselves had expressed a desire to various government officials to enter into treaty.[8] But, he says, "A treaty was not forthcoming, since, in the words of Scott, 'It has not been the desire of the Government to make a treaty with the Indians, too far in advance of settlement by white people.'"[9] While Scott expressed his views in these words in 1914, they are a close paraphrase of the words of Alexander Campbell, Minister of the Interior, in 1873.[10] They describe a principle of treaty policy that had been accepted by Macdonald's cabinet and is even implied in the Royal Proclamation of 1763.

One of the major reasons advanced for making a treaty north of Treaty Eight was that the Indians there were experiencing hardship. However, the government had not entirely ignored the distress of the northern Indians. As in the 1870s, they often learned of their plight through officers of the Hudson's Bay Company and then provided assistance through that agency. Scott described and defended this system against proposals to make a treaty.

> The Department at present relieves destitution and endeavors to prevent suffering by the issue of supplies through the Hudsons [sic] Bay Company and this entails considerable expense from year to year....It seems to me that our Indian policy in the Mackenzie River district should be about the same as it is in the Yukon. Extend to these Indians certain privileges of education and medical attendance where they are required, as is already being done at Ft. Providence where we support a Residential School. By arrangements with traders, or by other means, relieve destitution wherever possible, and provide for occasional visits by our Inspectors.[11]

Treaties were not made in order to provide assistance to Indians who were experiencing hardship, but as a means of disposing of the Indian title to the land in new areas of development. With reference to Treaty Eight, Richard Daniel concluded:

> It is clear that conditions of starvation among the Indian population of the Peace River and Athabasca River areas were of very litte, if any, importance in the government's decision to enter into a treaty. In fact, when Treaty Eight was finally signed, it did not include the Isle à la Crosse area from which there had been many reports of hardship and requests for a treaty, but did include most of the areas of known mineral wealth and agricultural value.[12]

It is not surprising, then, that a treaty with the Indian people of the Mackenzie district was delayed for years but then followed immediately upon the discovery of oil in their territory. Oil was discovered at Norman Wells in 1920. Preparations for a treaty were made immediately and were put into action the following summer.

The words of the enabling order in council set out some of the government's purposes and guiding principles in making a treaty. "The early development of this territory is anticipated and it is advisable to follow the usual policy and obtain from the Indians cession of their aboriginal title and thereby bring them into closer relation with the Government and establish securely their legal position."[13]

Conroy was named a commissioner to negotiate a treaty. It was not intended, however, that real negotiations should take place. He was given a copy of the proposed treaty, which had been set out in the order in council.[14] The drawing up of treaty terms beforehand was standard practice. Nevertheless, the government had found in the 1870s that, more often than not, the treaty terms had to be changed before they could get the agreement of the Indian parties.[15]

Treaty making itself followed a predictable pattern. A treaty party consisting of a commissioner or commissioners accompanied by clerks, mounted policemen, and local clergy travelled throughout the proposed treaty area meeting bands of Indians at the major settlements. This familiar procedure was followed for Treaty Eleven. Commissioner Conroy was accompanied throughout most of the tour by Bishop Breynat of the Roman Catholic diocese, a well known and respected cleric in the Mackenzie district.

At each stopping place the treaty tent was set up, local interpreters were obtained, and arrangements were made to meet with the Indian people. The commissioner then explained the terms of the proposed treaty. After discussions had taken place among the people, questions were asked of the commissioner, and he would reply to them.

There are no transcripts of the treaty discussions. Conroy's diary has never been located, and only a very brief report was submitted with the treaty. Consequently, a great deal of effort has been spent to obtain the testimony of witnesses to the treaty making. The most thorough research in print is that of Father Fumoleau which appears in his book, As Long As This Land Shall Last.

Father Fumoleau questioned how much the Indian people understood of what was told to them about the treaty. "The text of the Treaty was completely unfamiliar to the Indian people, who saw the paper it was written on for the first time on the day the Commissioner arrived. Very few could read it then; most have not read it yet."[16] It is doubtful that many Indian people would have understood the treaty even if they had been able to read the text.

> Nothing in their culture, history or experience had prepared the Indians for the role of treaty partner which was thrust upon them. No apprenticeship was encouraged, no recourse was allowed. The drama which had been acted out in 1899 was to be repeated again in 1921, with new actors, in a new setting. Only the dialogue would remain the same. It had been tried, tested, and proven to withstand the vicissitudes of time.[17]

To the government, the treaties were primarily instruments for the surrender of Indian territorial rights. It is unlikely that the Indian people and the government understood this in the same way.[18]

To begin with, Indians did not understand the ownership of territory as practised by Europeans. The chief emphasis of the Indians at the Treaty Eleven discussions appears to have been the same as at Treaty Eight. They were concerned that they would be able to continue hunting, fishing and trapping — in short, generally to follow their customary way of life.

> Many words of the treaty text, their meaning and their consequences, were beyond the comprehension of the northern Indian. Even if the terms had been correctly translated and presented by the interpreters, the Indian was not prepared, culturally, economically or politically, to understand the complex economics and politics underlying the Government's solicitation of his signature. The Indian people did know that they could not stop the white people from moving into their territory, and in their minds the treaties primarily guaranteed their freedom to continue their traditional life style, and to exchange mutual assistance and friendship with the newcomers.[19]

This may well have been the major significance of the treaty for the Indian people. The connection between development and treaties had always been explained to the Indians concerned. They were told that non-Indians would be entering their territory, with or without a treaty, and that a treaty would give them some protection and benefits that they would not otherwise receive. This had been done during treaty making in the 1870s,[20] and it was repeated in 1899. David Laird, commissioner for Treaty Eight, is reported to have told the Indians at Lesser Slave Lake:

> We have made treaties in former years with all the Indians of the prairie, and from there to Lake Superior. As white people are coming into your country, we have thought it well to tell you what is required of you. The Queen wants all the whites, half-breeds and Indians to be

> at peace with one another, and to shake hands when they meet. The Queen's laws must be obeyed all over the country, both by the whites and the Indians. It is not alone that we wish to prevent Indians from molesting the whites, it is also to prevent the whites from molesting or doing harm to the Indians.[21]

The reply of an Indian called Moostoos, as reported by Charles Mair, suggested that he understood what Laird had said:

> You have called us brothers. Truly I am the younger, you the elder brother. Being the younger, if the younger ask the elder for something, he will grant his request the same as our mother the Queen. I am glad to hear what you have to say. Our country is getting broken up. I see the white man coming in, and I want to be friends.[22]

Since most of the records of the Treaty Eleven negotiations have been lost, it is not as clear what was said to the Indians who were parties to that treaty. However, at least one of the Indian eyewitnesses impled that Commissioner Conroy had made a similar statement. He quoted what he recalled of Conroy's words. "He said 'I am giving you this money because in the future there will be lots of white people in your country and you will be here, and you will be remembered as the treaty people.'"[23] Another Indian participant, who was thirty-two in 1920, is recorded as saying:

> The Indian Agent said: "Before many White people come this way it will be better to have a treaty now because in later years there will be many White people on your land and you may lose some of your rights. Before this happens, you should now consider the size of land and boundary that you want, to protect your hunting ground...In the future there will be many White people in this country and they might use up most of the game and

> the things by which you make your livelihood so by then your people will not be well off, so before this happens we want to make a treaty to prevent this from happening."[24]

Similarly, Jimmy Bruneau, born in 1881 and chief at Fort Rae from 1936 to 1969, stated, "[Bishop Breynat] said to the Chiefs that if they did not sign a treaty, the White people coming here would not know the Indian rights."[25]

Before he left Ottawa, Conroy had been ordered to be guided by the treaty text and cautioned against negotiating "outside promises".[26] Fumoleau claims that despite his instructions, Conroy did promise the Indian people that they would be guaranteed full freedom to hunt, trap and fish in the Northwest Territories. "He made this oral commitment when it became clear that there would be no Treaty if this right was not recognized, and assurance given that it would be respected forever."[27] Bishop Breynat had also been required to give his assurance before the people would give their assent to the treaty.

According to Fumoleau this solemn undertaking, which was never recorded in the text of the treaty, was not kept. Game laws were applied to Indians, contrary to the promise made by Conroy and Breynat. "The precedence of the Treaty over other laws, in the subsequent course of events, has not been respected."[28]

If an 'outside promise' of the type described by Fumoleau was made, it was quickly repudiated by Conroy. Reporting on a trip to Fort Providence, he described the Indian fear that their liberty to hunt, trap and fish would be curtailed. He stated that he assured them that the treaty would protect them in this respect but that, even without the treaty, they would still come under the jurisdiction of dominion game laws.[29] It is left to the reader to weigh the relative merits of this conflicting evidence.

The written text of all the treaties placed a heavy emphasis on land surrender.[30] The area to be surrendered by the treaty was described in detail. The text then listed what the Indians were to receive as a consideration. Although each treaty was unique in wording and detail, a standard pattern of benefits had been developed out of the treaty negotiations of the 1870s.

Treaty Eleven contained the following provisions:

1. the right to hunt, trap and fish "subject to such regulations as may from time to time be made by the Government of the Country acting under the authority of His Majesty....";

2. reserves of one square mile per family of five;

3. a gratuity of twelve dollars per person (thirty-two dollars to each chief and twenty-two dollars to a headman);

4. an annuity of five dollars (twenty-five dollars to each Chief and fifteen dollars to each headman);

5. the salaries of teachers for the children to be paid;

6. a "once and for all" supply of tools such as axes and saws to each chief of a band that selects a reserve;

7. a "once and for all" supply of equipment for hunting, fishing and trapping to the value of fifty dollars for each family of a band;

8. an annual distribution of equipment "such as twine for nets, ammunition and trapping" to the value of three dollars per head "for each Indian who continues to follow the vocation of hunting, fishing and trapping"; and

9. anyone wanting to take up agriculture would be given "such assistance as is deemed necessary for that purpose".

Fumoleau's study suggests that the Indians often did not want to sign the treaty that was presented to them because their fears and suspicions had not been sufficiently put at rest by the treaty party. Nevertheless, they were persuaded to do so or were given treaty money whether they had signed or not. The treaty was signed first at Fort Providence on June 27, 1921. After that, it was signed at each major community throughout the treaty area.

Comment on Treaty Eleven in the departmental annual reports was brief. The report immediately prior to the treaty reads:

> The department this year is making a new treaty with the Indians along the Mackenzie river and will thus bring under the supervision of the Dominion Government practically the only Indians of Canada with whom treaty has not been made.[31]

The following year's comment was almost as terse:

> By Treaty No. 11, dated June 27, 1921, Commissioner H.A. Conroy obtained the surrender from the Indians of a tract of land in the Mackenzie River District (described in the treaty) containing about 372,000 square miles. The terms of this treaty are similar to those of Treaty No. 8, and it was signed by the Indians at: -
>
> Simpson, on July 11, 1921
> Wrigley, on July 13, 1921
> Norman, on July 15, 1921
> Good Hope, on July 21, 1921
> Arctic Red River, on July 26, 1921
> McPherson, on July 28, 1921
> Rae, on August 22, 1921[32]

As in the 1870s, the treaty was made in order to settle the issue of Indian title before any major development or influx of non-Indians into the territory took place. Accompanying the treaty was the organization of a small territorial government to give some substance to the nominal government that had existed since 1905. These preparations proved to be premature, however. "The Government of Canada was ready to cope with any human stampede into the northern territories. But none materialized....Anticipation of an 'Oil Rush' persuaded the federal government to lay foundations which proved to be permanent, even if no significant superstructure was built on them for more than twenty years."[33]

Treaty Eleven was the last major treaty of the nineteenth century type. By the time that twentieth century development once more required a surrender of Indian title, the whole context had changed. There would be a good deal of both the familiar and the novel if any of the treaties up to 1921 was compared with the James Bay Agreement and the comprehensive land claims of today.

CHAPTER 5

The Chippewa and Mississauga Treaties of 1923

Between 1783 and 1850, the Crown made treaties with the Indians that were thought to have extinguished the Indian title to all of the land in southern Ontario and beyond the shores of the upper Great Lakes. Since the boundary descriptions in the treaties were not always clear, claims arose based on the alleged failure to extinguish the aboriginal title to certain areas.

The most significant of these claims were made by three Chippewa bands of the Lake Simcoe and Georgian Bay areas and four Mississauga bands in the lake country north-east of Toronto.[34] The territory involved included some northern hunting grounds and a portion of the Lake Ontario shoreline, amounting to 10,719 square miles in all.[35]

Representations to the Department of Indian Affairs began on behalf of these bands soon after Confederation and continued into the first quarter of the twentieth century. One factor delaying settlement was the involvement of the interests of both the federal and provincial governments. Another was the inconsistent and half-hearted manner in which these claims were reviewed from time to time by the Department of Indian Affairs and the Department of Justice.

Finally, in 1914, on the initiative of the Department of Indian Affairs, R.V. Sinclair, a lawyer who had taken an interest in a number of Indian claims, was asked by the Department of Justice to look into the matter. He reported in November 1916.

> Sinclair's conclusions supported the contention that the portion of the disputed territory which was outside the limits of the Robinson Treaty had never been surrendered by treaty and that the Indians had established a prima facie case concerning their traditional use and occupancy of this area. With reference to the area supposedly within the Robinson Treaty boundaries, Sinclair judged that the historical evidence and the current interpretations of that treaty by the D.I.A. both supported the Indian claim, but that the claim might be rejected on technical grounds by a court of law. It remained for the Department to decide whether to rely "on a strict observance of the terms of the Treaty and a strict construction as to the land surrendered or whether it would direct an investigation for the purpose of affording the Chippewas an opportunity of endeavoring to establish that the land in question originally formed part of their hunting grounds."[36]

The Department of Justice did not consider Sinclair's report until 1920. A copy was then sent to the Department of Indian Affairs with the comment that Justice had no reason to dissent from the report's conclusions and that it would be Indian Affairs' responsibility to decide whether to support the claim. Scott took up the question with the province of Ontario, while from time to time Indians protested the lack of action.

By 1923, the two governments had agreed to appoint a dominion-provincial commission under the Inquiries Act to inquire into the validity of the claims and, if they were found valid, to negotiate a treaty. This was a different way of proceeding from any previous treaty, where validity had been taken for granted. "The Commission's conclusions with respect to the validity of the claims were consistent with those of Sinclair's 1916 report."[37] Two separate treaties were then signed in 1923, one for the Chippewas and one for the Mississaugas.

These treaties differed from the earlier numbered treaties insofar as the Indians already had reserves and were under the administration of the Department of Indian Affairs. Compensation was entirely monetary -- $250,000 to each tribe. Of this amount, a small portion went to provide a per capita grant of twenty-five dollars. Like earlier treaties, however, the terms of settlement had been decided upon before negotiations began. Therefore, there was no possibility of including the many Indian requests for hunting and fishing rights, additional reserve lands, or economic development assistance. These matters could only be brought to the attention of the Department for consideration, and, where they were not resolved, they remained as grievances.

CHAPTER 6

The British Columbia Land Question

The British Columbia land question had its roots in the dual origins of the region, first as a colony and then as a province of the Dominion of Canada. With minor exceptions, British Columbia Indians had no treaties along the Ontario and prairie model. As a result, they later drew the conclusion that they still retained their aboriginal right to the territory they inhabited.[38]

Between 1774 and 1849 European immigration into the territory now known as British Columbia had been slight and almost entirely connected with the fur trade, in which the Indians had a role. The gold rushes brought in immigrants who saw agricultural possibilities in the land. The subsequent immigration was permanent and therefore a threat to Indian land.

When British Columbia entered Confederation in 1871, article 13 of the terms of union read as follows:

> The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.
>
> To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the

> Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.[39]

It would be difficult to find evidence to support the description of British Columbia's pre-Confederation treatment of the Indian people as liberal.

> In fact, the state of affairs in 1871 and the subsequent history of Dominion-provincial relations in the matter of reserve lands both show that the clause was a peculiar anomaly of obscure origins, bearing no relation to the actual situation. Expenditure on Indian Affairs had been trivial, and largely concerned with judicial and disciplinary measures; reserves had been set aside only in a few areas of settlement, and there had been no generally accepted policy either as to amount or as to principles of compensation.[40]

Since the only written agreement -- and, no doubt, the only agreement of any kind between the dominion and the new province -- was both anomalous and ambiguous, the issue was left for future generations to resolve. This they attempted to do, beginning shortly after Confederation.

> Gradually the issues between Province and Dominion settled down to two. The Dominion was concerned that adequate reserves be set aside from the beginning, and held to a demand that the areas be more or less in line with those set aside in eastern Canada. The Province argued that conditions were very different in British Columbia, that in many cases all the people needed were small bases for residence, hunting and fishing, burial, and so forth; and that the basis for allotment should be one of need rather than of set acreage per head.[41]

Between 1876 and 1908, most of the reserves in the province were laid out. The provincial government then asked for a reduction in the size of the reserves, while insisting on a reversionary right by which the province immediately became the owner of any land surrendered by the Indians.[42]

At this point J.A.J. McKenna of the Indian Department met with Premier McBride of British Columbia. After lengthy discussions, an agreement was concluded that was intended to lead to a final adjustment of all matters relating to Indian affairs in British Columbia. It was agreed that a royal commission would be appointed to adjust the acreage of Indian reserves. The province agreed to give up its claim to the reversionary interest, except for abandoned reserves, and to take instead half the proceeds from the sale of those reserve lands designated by the commission as surplus to the needs of each band. The other half would be held by the dominion in trust for the band.[43]

In 1913, the commission was appointed. Early in that same year, however, the Nishga nation issued a resolution to present an aboriginal title claim directly to the Imperial Privy Council. While their statement approved provincial abandonment of the claim to a reversionary interest, it rejected the McKenna-McBride agreement as a method for reaching a final settlement of Indian matters on the grounds that it did not include negotiation with the Indians concerning their aboriginal title claim.[44]

The gap was widening. The dispute between province and dominion concentrated on reserves; the Indian position was more and more directed towards the claim to aboriginal title. From this point on, the two governments on the one hand, and those Indians who addressed the question on the other, by-passed each other almost completely. In spite of a lack of Indian support, the government-appointed commission commenced its work.

> This Royal Commission on Indian Affairs, now usually referred to as 'the Reserve Commission'...laboured for three busy years, travelling to all parts of the Province and interviewing virtually all bands. Some of the northern coastal people refused to discuss their reserve requirements until the question of Indian title had been settled, and their needs had to be judged from information given by the Indian agents. In most cases the Commission confirmed the existing reserves, but it also added about 87,000 acres of new reserve land and cut off some 47,000 acres of old. Its report, in four volumes, was published in 1916....[45]

While the commission was engaged in its task, some of the southern coastal tribes and the interior Salish, supported by the Nishga, formed an association known as the Allied Tribes of British Columbia, led by Peter Kelly and Andrew Paull. It was through this organization that the Indians rejected the report of the Reserve Commission.[46]

> The Allied Tribes of British Columbia, rejected the Commission's report on the grounds that (1) title should be settled first, (2) the powers of the Secretary of State for the Colonies had been ignored, (3) additional reserve lands were inadequate, (4) inequalities between tribes had not been adjusted, (5) all proceeds from cut-off lands should go into an Indian trust fund.[47]

Indian opposition to the commission's report led to a delay in its acceptance by the two governments.

The governments were not willing to wait indefinitely, however. In 1919 the legislature of British Columbia passed a bill to enable the province to play its part in the implementation of the royal commission report of 1916. In April 1920, there was a bill before the House of Commons for a similar purpose. This legislation permitted the alienation of reserve lands without the consent of the bands concerned, notwithstanding the surrender provisions of the Indian Act.[48]

In April 1920, a delegation of four British Columbia Indians went to Ottawa. Before leaving, the delegation had issued a series of statements and appeals, including one "declaring the McKenna-McBride agreement ultra vires and the Report of the Royal Commission, 1913-1916, unjust".[49] Their legal counsel, J.A Teit, told a Senate committee that they did not claim the land at present value "but that if fair adjustments were made, they would surrender aboriginal title, taking as compensation improved educational and medical services."[50]

Nevertheless, the bill to implement the report was passed.[51] Indian rejection had not resulted in abandonment, although some specific recommendations had been altered.[52] However, the necessary order in council did not follow immediately.

The election of 1921 brought Mackenzie King's Liberals to power in Ottawa, replacing Meighen and the Conservatives. Meanwhile, a Liberal government under John Oliver had formed the provincial government in British Columbia. Led by Charles Stewart, the new Minister of the Interior, one last attempt was made to reach tripartite agreement among the Allied Tribes, the dominion, and the province. Meetings were held during 1922 and 1923. Among the terms sought by the Allied Tribes to replace the royal commission recommendations, was a sum in lieu of annuities (to which they were opposed) amounting to some two and one-half million dollars.[53] In addition, they sought reimbursement in the amount of $100,000 for their expenses in trying to obtain a just settlement. George Shankel records this reaction to that request:

> Scott, Deputy Superintendent, considered their claims preposterous and was disappointed over their unfavourable attitude toward the report of the Royal Commission. Inasmuch as they insisted either on negotiation on the basis of claims presented or an appeal to the Imperial Privy Council, Scott recommended the rejection of their demands and the adoption of the Report of the Royal Commission.[54]

Shankel commented further:

> Their claims were essentially the same as adopted in 1916 and presented to the British Columbia Government in 1920. Scott was Deputy Superintendent at the time of the appointment of the Royal Commission under the previous Government and therefore a sponsor of the Commission.[55]

Stewart favoured submitting the Indian claims to judical proceedings while Scott insisted that the title question should not be appealed until the Indians had accepted the commission's report. Scott's view prevailed when, shortly after their meetings, the province adopted the report of the commission by a provincial order in council in August 1923.[56] Richards Daniel's perceptive analysis of this point explains the failure to secure the Indians' support for the settlement.

> Evidently it was of some surprise to Scott that the rejection of the Commission's work would be so overwhelming although it is difficult to imagine that it

> could have been otherwise. The Indians clearly mistrusted the work of any Commission which would define their rights independently of direct and comprehensive negotiations between themselves and governments. By continually raising the issue of aboriginal rights they were presenting the demand for a settlement mechanism comparable to their perception of treaty negotiations, as an alternative to piecemeal adjustments of their specific rights. It is significant that at the close of this August 1923 conference, the Allied Tribes proposed that once their demands were accepted in principle, a Commission should be established to implement the agreement, but unlike previous Commissions this one would have equal numbers of Indian and government representatives. Failing agreement on such a mechanism for negotiations, the Indians would continue to argue that only the highest courts in the British Empire could rule on their claims to aboriginal title.[57]

Once the dominion government followed with its order in council on July 19, 1924 the report of the royal commission became effective.[58] Scott reported his success with considerable satisfaction:

> The effect of this joint ratification is to confirm the absolute title to the reserves in the Dominion Government and to eliminate the reversionary provincial interest herein above referred to. The settlement of this question on a mutually agreeable basis as between the Dominion and the province will be a source of great satisfaction to all concerned, and particularly to the Department of Indian Affairs, as it will enable the department to apply to its administration in British Columbia the same general policy as followed in the other provinces. Uniformity of administration tends to efficiency and for both the Indians and the department the result will be advantageous.[59]

Scott's language, together with the title of the statute,[60] makes it clear that the agreement was regarded essentially as one between the two governments.

Even the adoption of the royal commission report of 1916 by both the province and the dominion did not bring Indian opposition to an end. The Indians were strongly organized and had clear-cut goals and ample motivation. The land settlement proposed by the commission would cut off from their reserves some 47,000 acres, worth four times as much as the new land to be added.[61] They now renewed their efforts to have their claim heard by the Judicial Committee of the Privy Council in London.

> On the 15th January 1925 the Executive Committee of the Allied Tribes unanimously adopted the following resolution:
>
> "In view of the fact that the two Governments have passed Orders in Council confirming the Report of the Royal Commission on Indian Affairs, we the Executive Committee of the allied Tribes of British Columbia are more than ever determined to take such action as may be necessary in order that the Indian Tribes of British Columbia may receive justice and are furthermore determined to establish the rights claimed by them by a judicial decision of His Majesty's Privy Council."[62]

On August 17, 1925, O'Meara wrote to the Minister of Justice proposing that a joint parliamentary committee be established to deal with the issue.[63] The following June, a petition to Parliament from the Allied Tribes again requested a hearing before the Imperial Privy Council. It also requested that "this Petition and all related matters be referred to a Special Committee for full consideration".[64]

The petition argued that the confirmation of the royal commission report did not consititute a final settlement of their claims.

> In support of this argument the petition noted that in 1916 the Secretary to the Governor General had assured the Indians that if they were dissatisfied with the forthcoming Report of the Royal Commission, they could appeal their case to the Imperial Privy Council, and further, that representatives of various Canadian governments from 1911 to the present had supported a Reference of the issue to the Judicial Committee of the Privy Council.[65]

A special joint committee of both houses of Parliament, appointed to consider the petition, convened on March 22, 1927. By April 11, it had issued its final report. Witnesses at the five sittings included Duncan Campbell Scott, the Indian leaders Peter Kelly and Andrew Paull, and the counsel the for the Allied Tribes, Arthur O'Meara, a lawyer and Anglican clergyman.

Scott presented a long summary of the aboriginal title question as it had evolved in British Columbia, together with his opinion that the Indians of British Columbia had been dealt with as fairly as the treaty Indians. To demonstrate his point, he supplied figures to show that Indians in British Columbia had lost just a little over half as much land as those in Treaties Six and Eight, while receiving the benefits of an expenditure several times the obligatory expenditure on the Indians of those two treaties.[66] His reasoning was a practical reference to his experience as chief accountant of the Department. Nevertheless, he recognized the essence of the claim, although his words suggest that he viewed it as a conspiracy. "From the year 1875 until the present time there has been a definite claim, growing in clearness as years went by, gradually developing into an organized plan, to compel the Provincial and Dominion Governments, either or both, to acknowledge an aboriginal title and to give compensation for it."[67]

The provincial government, he explained, had always held the view that there is no Indian title to provincial lands, while the dominion government had been uncertain about the question but generous to the Indians nevertheless.[68] He warned that if the dominion took the case to the courts, the claim would be against the province. If the Indian claim were upheld, "there will be a cloud on all the land titles issued by the province, and that point has always been an obstacle in the way of the reference."[69]

Following Scott's presentation, there was an exchange of comments. R.B. Bennett commented that Parliament had brought about what the two governments assumed to be a final settlement of the question.[70] To this H.H. Stevens added, "Through all those years, the Indians still persisted in claiming aboriginal title to the land....That is really the main question that is outstanding, as far as the Indians are concerned."[71] To both these assertions Scott gave his assent.

Senator Belcourt learned, by questioning Scott, that although the Indians appeared before the royal commissioners, they did not "submit their rights" because the commissioners had told them they had only the power to set apart reserves.[72] Finally, Senator Belcourt said:

> We cannot suggest anything to our parliament that could be at all effective. If we were to decide on this question of law, British Columbia would refuse to accept our jurisdiction. If British Columbia takes the ground

> that they have an agreement, and that is the end of it, I do not see what purpose this committee can serve by hearing all these people. It seems to me that we are up against an insuperable difficulty.[73]

After an exchange with Charles Stewart he continued, "On the question of aboriginal title, I say it is utterly hopeless for us to proceed."[74] In spite of this inauspicious beginning, it was decided to call Andrew Paull. He began by questioning Scott, but was then interrupted by Charles Stewart who said: "Mr. Paull, we only have twenty minutes; will you deal with that very important matter, the question of aboriginal title, first."[75]

There was a great deal of questioning of witnesses and counsel about who they represented, as there was a suspicion in the minds of some members that the entire claim might have been initiated by white trouble-makers.[76] The committee questioned the two counsel, O'Meara and A.D. McIntyre, concerning an apparent conflict or overlapping of the parties represented by them. It is obvious from Hansard that some members of Parliament disliked O'Meara or, at least, disliked his reputation as an agitator.

This concern with conspiracy and agitation was sufficiently prominent to make its way into the committee's report and must have influenced their decisions to some degree.

> The Committee note with regret the existence of agitation, not only in British Columbia, but with Indians in other parts of the Dominion, which agitation may be called mischievous, by which the Indians are deceived and led to expect benefits from claims more or less fictitious. Such agitation, often carried on by designing white men, is to be deplored, and should be discountenanced, as the Government of the country is at

> all times ready to protect the interests of the Indians and to redress real grievances where such are shown to exist.[77]

An Ottawa barrister and solicitor, A.W. Beament, acting with O'Meara as counsel for the petitioners focused the committee's attention on the real issue as far as the Allied Tribes were concerned:

> What we say is this; we are advised, whether rightly or wrongly, that we have in law a right by a petition to His Majesty in Council to have a judicial determination of the substantive question that rises out of the merits of our claim. We may be wrong in that, but we only ask these Houses to facilitate the hearing of that claim. This whole question of aboriginal title is admittably a most vexed one. I think it is also admitted that there are specific questions to be decided on their merits. To date, apparently, it has been impossible to reach an agreement with the Indian Tribes. These Tribes now come forward and consent to be bound by the decision of the Privy Council. We are not asking for an expression of opinion from this Committee or from Parliament on the substantive questions involved in our claims, but we are simply asking that you will recommend the facilitation of the hearing of these claims without waiving any defence which the Government of Canada may have to our substantive allegations.[78]

The committee insisted, however, on hearing evidence on the substantive issue of aboriginal title, even if only to determine the merits of a reference to the Judicial Committee. After an exasperating session with O'Meara that determined nothing, the committee called Andrew Paull. His statements ranged over many grievances including reserves, hunting, fishing and trapping, foreshores, and water rights. The committee seemed to be endeavouring to discover grievances with a view to finding a satisfactory settlement.

Only at the end of his presentation did Paull introduce some evidence in support of the aboriginal rights claim. This was heard without question or comment. The committee then called the other counsel, McIntyre, who claimed to represent the interior tribes. Again grievances were listed and discussed.

When Peter Kelly was called, he remarked that the committtee seemed to want grievances brought forward in order to see whether they could right them. He told them that even if Parliament could pass a bill righting all the grievances at a blow, there would still remain as a fundamental issue, the failure to deal with the aboriginal title.[79] He then presented the aboriginal right case as he saw it.[80]

One member asked, "You do not expect, of course, that title will be given to the Indians of British Columbia?" — to which Kelly responded, "Oh, no." When asked if he expected further consideration, he said that he expected "consideration and benefits" but, when pressed, he refused to put a price on his expectations. H.H. Stevens, a committee member, then asked, "Your real desire is to receive official acknowledgment of the aboriginal title; that is your point?" Kelly answered, "Yes."[81]

In his testimony, Andrew Paull had brought up the Indians' dissatisfaction with the mode of dealing with them over their interest in the soil. They objected to orders in council and decisions by commissions. "The terms should be arrived at by negotitation."[82] Kelly later arrived at the same position: "Well, give us a negotiating committee, and we will meet you..."[83] He claimed that they had asked for one in the past but had not received it. He said it was because of the failure to negotiate that they had pursued a judicial decision as a remedy.[84] Nevertheless, Kelly said that his side was always already to listen to a fair settlement.

After further discussion, Stevens asked Kelly, "But supposing the question of aboriginal title is admitted, what would you want? That is what we have been trying to get from every witness who has been before us, but we have never been able to get it."[85] Kelly referred him to proposals that had been put forward by the Allied Tribes at a meeting with Scott in Victoria during the summer of 1923.[86]

Again the pendulum swung back to the question of aboriginal rights when O'Meara returned to place documentary evidence before the Committee. During a break in his testimony, Stevens asked Kelly whether the aboriginal title claim had arisen only in the last fifteen or twenty years. Kelly replied that it had been about that length of time since it had assumed the form of a legal claim, but that it had been "a sort of a general claim" prior to that.[87] Stevens used this line of argument to suggest that the real concern of the Indians had been specific grievances over matters like hunting and fishing until after O'Meara had "formed the society for the protection of the Indians".[88]

Having heard the witnesses and their counsel, the committee adjourned. Its second and final report appeared on April 11, 1927.[89] The committee stated:

> It is the unanimous opinion of the members thereof that the petitioners have not established any claim to the lands of British Columbia based on aboriginal or other title, and that the position taken by the Government in 1914, as evidenced by the Order in Council and Mr. Doherty's letter above quoted, afforded the Indians

> full opportunity to put their claim to the test. As they have declined to do so, it is the further opinion of your Committee that the matter should now be regarded as finally closed.

The committee concluded that British Columbia Indians had received more in benefits than they would have done had they been subject to treaties.

Specific grievances were then commented upon one by one. "Under date of November 12, 1919, the Indians had made an exhaustive statement of their case and set forth 'Conditions Proposed as a Basis for Settlement'. The Committee decided to review those claims and inform Parliament to what extent they were being met and to make further recommendations where the conditions of settlement had not been met."[90] The comments and recommendations of the committee appear in their report.

On the important question of reserves, the committee found that "The allotment of reserves, of which there are 1,573 in the province, preserves to the Indians in a remarkable degree their old fishing stations and camping grounds, and the action of the Commissioners was evidently extended to preserving Indian rights in traditional locations which the Indians had enjoyed in the early days."[91] Recommendations were made that the particular situation of Indians be considered with regard to hunting, fishing, and trapping regulations and that "careful attention" be given to the development of irrigation systems on reserves.

Compensation for money spent on their claims was denied on the grounds that these expenditures were made without the authority or control of the government. Annuities were also denied; they were seen as anachronistic with regard to the needs of the Indians of British Columbia. Instead, the committee recommended "that a sum of $100,000 should be expended annually for the purposes already recommended, that is, technical education, provision of hospitals and medical attendance, and in the promotion of agriculture, stock-raising and fruit culture, and in the development of irrigation projects."[92]

The committee's report was adopted by Parliament. The completion of the committee's work permitted the implementation of the royal commission report of 1916, which now went ahead. However, this was not accomplished quickly or smoothly. A supplementary agreement was required in 1929 to settle issues concerning reserves between the province and the dominion.[93] Although the final schedule of reserves was deposited at Victoria in February 1933, no provincial order in council was passed. Not until a change of provincial government took place were the reserves finally conveyed to the dominion in 1938. Meanwhile, the reversionary interest issue, temporarily settled by the McKenna-McBride agreement in 1912, had been re-opened and still awaited settlement.[94]

The committee's report has been called "the Great Settlement of 1927".[95] However, it was more of a temporary set-back for the Indians than a settlement of their grievances. "The decision of the Joint Committee of 1927...concluded the first campaign for settlement of the land claim in British Columbia. It also marked the death of the Allied Tribes of British Columbia as an organization representing the Indians of the province."[96] Although a campaign had been concluded and an organization had died, the grievances remained very much alive. They would surface again and become the nucleus of new organizations. In fact, decades later, they became the platform from which the modern Indian movement was launched.

CHAPTER 7

Arctic Lands and the Indian Act Amendment of 1924

An Indian Act amendment with great potential significance for Indian policy and its application concerned the Inuit. Indian policy and the Indian Act had come into being because Europeans had moved into Indian living space. This had not happened in the arctic where the Inuit lived. Arthur Meighen told the House of Commons that he did not think it would happen on a very large scale.[97] Nevertheless, some inroads were being made into northern regions, and a small territorial government had been established. The government now gave some thought to its relationship to the Inuit people.

A proposed amendment in 1924 would have brought the Inuit under the Indian Act. In introducing the bill, the Minister of the Interior, Charles Stewart, explained, "The Eskimos now require some supervision, and it was thought wise that they should come under the control of the Indian Act and under the supervision of the Superintendent General of Indian Affairs."[98] As further justification, the minister explained that they were establishing police posts in the north, and also that at Aklavic, where traders were active, many Inuit were fairly well off.[99] "This is the first attempt to bring the Eskimos definitely under the Indian Act," Stewart told the House.[100]

A surprised Arthur Meighen responded that he had always understood that Inuit did come under the Indian Act. It is a measure of how little contact there had been with Inuit when an ex-Prime Minister, who had been Superintendent General of Indians Affairs from 1917 to

1920, could make that admission. Meighen's misunderstanding was based on his awareness that the government had given famine relief to certain Inuit. Stewart explained that where famine had occurred, relief had been given without distinction. Now he wanted to bring the Inuit under the Indian Act. The proposed amendment read:

> The Superintendent General of Indian Affairs shall have the control and management of the lands and property of the Eskimos in Canada and the provisions of Part I of the Indian Act shall apply to the said Eskimo in so far as they are applicable to their condition and mode of life, and the Department of Indian Affairs shall have the management, charge and direction of Eskimo affairs.[101]

Meighen objected to Inuit coming under these provisions of the Indian Act. He opposed the proposal to "nurse" them and to make them "wards" of the government as Indians were popularly regarded. In particular, he objected to the government taking "the control and management of the lands and property of the Eskimos in Canada".

Consequently, Stewart had the amendment re-drafted with no mention of controlling and managing the lands and property of the Inuit or of extending the application of the Indian Act to them. It now read, "the Superintendent General of Indian Affairs shall have charge of Eskimo affairs."[102] In this form the amendment became part of the Indian Act on July 19, 1924. However, on March 31, 1928, jurisdiction was transferred to the Northwest Territories and Yukon Branch of the Department of the Interior.[103] Inuit administration might have followed a very different path had the original amendment been passed by Parliament.

CHAPTER 8

The Economic Policy of the Indian Department

The first decade of the inter-war period was one of economic expansion. "From 1920 to 1929 the population of the country increased by one-sixth, the real national income by one-half, and the volume of exports by three-quarters. New investment throughout the country exceeded $6 billion."[104] Much of this expansion took place in the middle north, the forested area north of the agricultural land that had supported the preceding period of settlement and development. The growth industries in this region were pulp and paper, mining and hydro-electric power. Many non-Indians moved with these industries into country that had previously been inhabited largely by Native people.

The means by which Indian people earned a living varied greatly across the country depending upon geography, tradition and opportunity. About one-third of the population supported themselves, mainly by hunting, fishing and trapping.[105] They were resident for the most part in the territories and in the northern portions of the provinces. In the more southerly regions, farming or gardening was the more common way of living off the land.

Some Indians in British Columbia engaged in commercial fishing. The Blackfoot in Alberta had a coal mine on their reserve. Others, particularly in the middle north, found work in the expanding mining and forest industries of the region. An increasing number took seasonal employment as guides in the growing tourist industry. In and near the cities, some Indians worked in factories and offices or in the professions.

A key element of Indian policy had always been that Indians should be self-supporting. Where they were able to live off the land by hunting, fishing and trapping, the Department did not interfere. When settlement or development threatened the traditional way of life, however, farming was usually encouraged. "In the settled and organized localities, the department affords the Indians ample opportunity for agricultural and industrial pursuits, and discourages them from dependence on the chase."[106]

As the recent report of the Special Committee of the House of Commons on Indian Self-Government pointed out, Indians had originally been self-supporting. "Before the arrival of Europeans in Canada, and for many years after, Indian people were self-sufficient. Indian nations had developed diverse economies based on hunting, trapping, fishing, gathering, farming, crafts and commerce....European settlement gradually disrupted established and complex Indian economies."[107]

When the original land surrenders were taken and treaties made, two common treaty provisions covered reserves of land and some recognition of hunting and fishing rights in the surrendered territory. These provisions were intended to allow the Indians to go on living the old way while learning to support themselves by farming on the reserves. This would be necessary when settlement drove the game away. Encouragement often included the provision of farming equipment, supplies and instruction, either under the terms of a treaty or from band funds. These efforts had been only moderately successful in providing an alternative livelihood for Indian people who could no longer live the old way.

Some Indian returned soldiers began farming under the Soldier Settlement Act. Many of them found it difficult, as they had purchased their stock and equipment after the war, when prices were high. Within two or three years, prices fell, leaving them with high debt and low prices for farm produce.

In 1928, Charles Stewart, Superintendent General of Indian Affairs, told the House of Commons that only a small proportion of the Indian population earned a living through agriculture.[108] Stewart finished his remarks with the comment that if all Indians practised agriculture, their difficulties would be ended. Stewart did not know when he made that statement that Canada was on the verge of the Great Depression and that farmers, particularly in western Canada, would suffer greatly as a result.

The depression struck many Canadians hard throughout the 1930s. The Canadian gross national product had been $6,139 million in 1929 but fell to $3,492 million in 1933 before rising year by year to $5,621 million in 1939.[109] The gross national expenditure followed a similar pattern.[110] Wages, salaries, and supplementary income fell from $2,940 million in 1929 to a low of $1,788 million in 1933. By 1939, this figure had reached $2,601 million and by 1940 it had recovered to the 1929 level at $2,959 million.[111] Farm income was even more drastically reduced by the depression, dropping from $393 million in 1929 to $66 million in 1933. By 1939, it had recovered to $362 million and, by 1940, it had passed the pre-depression level, reaching $473 million.[112]

The effect of the depression on Indians depended on the specific kind and extent of their participation in the Canadian economy. Here it is necessary to consider the two economic milieux in which the

Indian population participated. On one hand there was the more traditional hunting, fishing and trapping economy and, on the other, there was the general Canadian economy. Some Indians were engaged in only one milieu, while others participated to a greater or lesser degree in both.

Farming Indians had to cope with depressed prices for their farm products and, in the prairie region, with the prolonged drought that further decimated the area in the 1930s. Those for whom farming or gardening was more of a subsistence operation were, of course, affected less than those who produced for the market. Indian income from farming was reduced from $2,388,485 in 1929[113] to $1,269,510 in 1933.[114] Although this is a drop to 53% of the 1929 level, in the same period the general farm income had dropped to only 17% of its pre-depression figure. By 1940, however, Indian farm income had risen only to $1,709,818.[115] This compares unfavourably with general farm income, which by 1940 had not only recovered but had surpassed the 1929 level.[116]

The Indian fishermen on the west coast of British Columbia were impoverished by the depressed state of the fishing industry. "They comprise a population of upwards of 10,000 aborigines. The men catch the fish for the canning companies, while the women find employment in the canneries....Of late years the fisheries industry has been at low ebb and the Indians dependent on it naturally have suffered."[117] Income from fishing for British Columbia Indians in 1929 had been reckoned by the Department at $539,472.[118] In 1933, the figure reported was $233,540.[119] By 1936, it had partly recovered to $449,809.[120]

Indian people who depended on the general Canadian economy felt the effects of widespread unemployment.

> In the long settled parts of the country, such as the Maritime Provinces and older Ontario and Quebec, the Indians on the reserves are in close contact with the community at large, many of them earning their living as mechanics, labourers, industrial employees, and so on. Lack of employment has affected this class of Indian severely, and the department is obliged to provide for many of them by direct relief. Wherever opportunity offers, however, the department provides work for such Indians in connection with road repairs, ditch digging, building operations and other necessary activities on reserves.[121]

In fact, Indians who looked to wage employment for a living had a more difficult time than non-Indians.

> The Indian was the first to be thrown out of work when the depression started and evidently will be the last to be again absorbed when conditions improve. There seems to be a tendency on the part of employers of labour to refuse employment to Indians considering that they are a public charge and it is not necessary to give them employment where there are white applicants for the job.[122]

This statement is not inconsistent with the statistics, which show the general income from wages and salaries for 1933 at 61% of the 1929 level, while for the Indian population it was 37%.[123]

The hunting, trapping and fishing economy was less vulnerable to the depression because it was largely a subsistence economy, like those farming operations that produced food for the family rather than for market. In addition, fur prices rose during the inter-war years. However, the Indians who lived in this way were beset by other problems, problems that began long before the depression and caused perhaps even greater suffering. These problems were the depletion of game, the restrictions imposed by fish and game laws, and competition from non-Indian trappers and fishermen.

The Canadian government did not succeed in doing much to reverse the depression. Its efforts were limited largely to relief payments. There was no background of experience in dealing with depressions of such severity and length.[124] No general policy was devised to help Indians weather the depression either. Special projects were sometimes undertaken in one locality.[124] Here and there, an individual superintendent was able to organize the people use to a local resource to advantage.[126] Kitchen gardens were planted on some reserves where they had not been before.[127] Otherwise the Department seemed just as bewildered and helpless in the face of the unexpectedly long and severe depression as the rest of the government and the country in general.

Towards the end of the depression, a few experiments were tried. In 1937, a suggestion was put forward by senior departmental officials that community farms should be established on those reserves having large areas of fertile land that was not being used.[128] As it would be difficult to finance individual farming, the proposal was for community farms "furnished with machinery and equipment from the Welfare Vote at a low rate of interest and operated collectively". The Indian workers would be paid for their labour, and any profits would be used to provide the older Indian people with clothing and additional rations.

Money was made available for the 1937-38 fiscal year, and the first community farm established on the Cote Reserve in Saskatchewan.

Initially, it was rated a great success, and others were set up. However, they did not appear to be very successful generally and, by August 1941, were being closed.[129]

In 1938, a revolving fund was made available to make loans to Indian bands, groups, or individuals for the purchase of agricultural or fishing equipment or supplies or for materials to be used in handicrafts.[130] The Superintendent General, T.A. Crerar, described the fund as a "new venture, wholly in the nature of an experiment".[131] He explained to the House that the United States had adopted the same policy several years before.[132] The fund was intended particularly to assist those bands that had no band funds to draw from for the purposes intended.[133] It was limited to a maximum of $350,000. The community farms qualified for assistance from the fund.

Calls upon the revolving fund were not so large as had been expected. Eighteen loans were made, totalling $35,046.91 during the 1939 calendar year. "With the exception of two loans amounting to approximately $7,000, secured by the Caughnawaga and Abenakis Indians of Quebec, all loans secured were used for the organization and promotion of collective farm projects in the Prairie Provinces."[134] Thus, even this moderate measure to relieve the depression was hardly drawn upon. The usefulness of departmental programs depended very much on the ability and energy of individual Indian agents. This fact and the tight bureaucratic control of the Department are possible explanations for the failure to make full use of this program.

Handicrafts had also supplied some Indians with an income. They had made and sold baskets, moccasins, lacrosse sticks, hockey sticks, canoes, and axe handles, but this trade suffered too. "The market for all these things at the present time is particularly bad, thus adding another group of formerly self-supporting Indians to the department's relief list."[135]

Consequently, handicrafts become another endeavour promoted during the depression by the Department to help some Indians support themselves.

> Handicraft projects have been organized on eastern reserves where relief costs were high and where the agricultural resources were either limited or non-existent. These projects have been particularly successful at St. Regis, Caughnawaga, and Pierreville, Que., and at Muncey, Ont. During the period under review a number of worthwhile Indian handicraft exhibits have been organized and placed on display at Ottawa, Montreal, and Vancouver.[136]

A sample room and wholesale warehouse were established at Ottawa for the convenience of large commercial houses. Handicraft production also qualified for loans from the revolving fund. Slow growth in this industry was attributed to the failure to secure a continuous supply of high quality handicraft products for wholesale and retail marketing agencies. By the end of the period, only limited success had been achieved. "Handicraft projects remain in the experimental stage and from a promotional standpoint have been confined almost wholly to the Provinces of Ontario and Quebec."[137]

One area that had always been emphasized as a long-term means of improving Indian economic conditions was the education of the children. Both day and boarding schools were supported by the Department. Some of the latter were called industrial schools and were supposed to have a vocational orientation. Indian schools were operated by religious denominations with financial support from the Department.

In 1928, there were 7,864 pupils in the day schools, which were located in all the provinces. Another 6,641 pupils were in the boarding schools located in Ontario, Manitoba, Saskatchewan, Alberta, the Northwest Territories, British Columbia and Yukon.[138] In addition, the Department supported some pupils in high school.[139]

When a member of Parliament questioned the wisdom of educating young Indians from the hunting areas and then sending them back, the Superintendent General, Charles Stewart, agreed that it was a problem to turn loose a young Indian "at the age of fifteen or sixteen years, neither a hunter nor a half-trained white man".[140] He agreed that "they should have something to give him as soon as he leaves school in order for him to earn a living. We have not overcome that difficulty as yet, although we are giving it very careful consideration."

The departmental report for 1936 described some of the efforts that had been made in that direction.

> An attempt has been made during the year to bring the educational policy of the Indian Affairs Branch into closer conformity with the actual life needs of Indian children. Steadily increasing emphasis has been placed on the importance of manual training. Material has been supplied, in an attempt to encourage gardening and carpentry work among boys, and dressmaking, crochet work, and elementary domestic science among girls. Plans have been prepared for the construction of day schools, equipped to provide an educational program designed to meet the needs peculiar to the reserves on which such schools are established. It is not too much to hope that these schools will become the focal points in community life-centres to which children and adults will turn for guidance, instruction, and inspiration.[141]

In the 1938 session of Parliament, accounts were still being given of young Indian people who had been partly trained for a life very different from the one facing them on the reserves.[142] This situation would remain to puzzle Indian educators for many years to come.

Education, like every program and project of the Department was handicapped by a shortage of money. This perennial problem was made worse during the depression, because government revenues were curtailed while expenses for Indian welfare and health services increased.

Even before the effects of the depression had been felt fully, the northern fur problem was making heavy demands on the available funds. Stewart told the House that year by year he had strongly advocated spending more money for Indians.

> Therefore in every way we are endeavouring to educate the Indians and I should like, if funds were available, to carry the work even further, to give technical education, to train these young boys in trades after they secure, as they do, a good common school education in their own schools in every province. But this will require more money. Year by year we have to vote more money. Since fur has become so valuable in this country and the white man has become active in trapping animals and securing their furs, it has been much more difficult for the Indians to obtain a livelihood. For that reason we have to spend more money on them, for relief, for medical attention and for what, undoubtedly, the country and the government owe to our aborigines.[143]

Tuberculosis and other diseases among the Indian population had received increasing attention over the years.[144] A particular effort was now made to combat tuberculosis.

> In the fight against tuberculosis, the situation continues to be more encouraging. There was made available in 1938-39, some $200,000 more than was expended for medical services in the preceding year. Not only was all this sum used for diagnosis and treatment of tuberculosis but an additional $56,000 out of the regular funds was applied to this work.[145]

Relief was given only when no alternative was available. This was made clear in a circular of instructions sent to Indian agents by the Department in 1933, at the depth of the depression. "It may be stated, as a first principle, that it is the policy of the Department to promote self-support among the Indians and not to provide gratuitous assistance to those Indians who can provide for themselves."[146]

These instructions further elaborated the point under the heading, "Destitution":

> The Department will be willing to provide the actual necessaries of life to sick and aged Indians, or orphans and widows who are unable to work and have no means or no friends able to support them, upon the facts being fully represented by the Indian Agent. In order to prevent suffering, it may be necessary for an Agent to furnish a small amount of provisions without reporting, but in any such case the Agent should lose no time in laying all the facts before the Department and obtaining instructions as to further procedure. The Indians, however, must be trained to rely upon their own exertions.[147]

This policy notwithstanding, the number on relief was still unusually high. Crerar informed the House of Commons of the number of Indians and dependents on relief up to October 1936. They showed a steady increase from 16,025 in 1930-31 to 36,667 in 1935-36.[148] As a result of these extraordinarily high expenditures for medical services and relief payments, money was difficult to get for projects designed to improve economic conditions. Canadians were not accustomed to large public expenditures, even in good times. Any form of welfare payment was regarded as dangerous to initiative and self-reliance, even when no opportunity existed to exercise these virtues.

Even before the depression began, some observers did not think that enough had been done to improve the situation. A more critical assessment of what had actually been done, as distinct from policy, came from Diamond Jenness, an early anthropologist who had visited Indian communities throughout Canada between 1920 and 1930. Writing of conditions during these years, Jenness said:

> Parallel with this failure to promote the political and economic welfare of the Indians went negligence in providing them with adequate educational facilities. Although the primary schools on some of the reserves, especially in eastern Canada, were reasonably good, there was little or no encouragement for Indian children to go on to technical or high school, and never any thought of helping them to find employment when their school-days ended. In many parts of Canada the Indians had no schools at all; in others only elementary mission schools in which the standard of teaching was exceedingly low....
>
> Nor did we neglect only the education of the Indians, but also their health. Among the hunting and fishing tribes of northern Canada malnutrition and its accompanying ailments (tuberculosis, pyorrhoea, etc.) were epidemic in almost every district, and the government paid very little attention to it.[149]

The problems of Indians who relied on the hunting, fishing and trapping throughout the Canadian north became a major crisis during the inter-war period. The conditions that led to this situation had been developing for a long time. Zaslow described what had been happening even before 1914:

> The advance of the frontier of white settlement, as well as the increasing penetration of the sub-Arctic and Arctic regions beyond, inevitably produced a serious drain on the fish and game resources that began increasingly to alarm administrators and then the public at large. In more southerly districts new industries were upsetting the natural habitats in which the wildlife flourished; in the undeveloped north, forest fires, modern weapons, and competition from migratory trappers and free traders encouraged a race to destruction. Mindful of the historic record of white penetration of America, a concerned public was beginning to demand measures that would preserve rare species from extinction and protect the well-being of native peoples depending on hunting and fishing for their livelihood. The period, therefore, was characterized by growing attention to problems of wildlife conservation.[150]

The Commission of Conservation sponsored studies on hunting, fishing and fur-bearing animals, and a conference was held on the subject in 1919. As a result, protective legislation was tightened.[151] Game laws had been a constant source of irritation to Indians. Many believed that they had been assured unrestricted access to game and fish under their treaties. This issue had its origins at least as early as the treaties themselves and has continued to the present. At the very beginning of the inter-war period, Duncan Campbell Scott, as Deputy Superintendent General of Indian Affairs, told Arthur Meighen:

> We have always held that there is no stipulation in the treaties which would give the Indians exclusive rights to hunting and fishing in the surrendered districts, or which would render them immune from the law, but we have endeavoured to obtain a lenient treatment for them.[152]

Meighen, the Superintendent General, declared that Indians must obey provincial games laws when outside the reserves. "The Indians have sometimes resisted the imposition of these restrictions by the provinces, but the policy of the department has been to get them to comply."[153]

In 1926, a circular letter was sent by the Department to all Indian agents advising them that, at a recent conference of federal and provincial game officials, attention had been drawn to the failure of many Indians to observe provincial laws for the protection and conservation of game and fish. The agents were asked to explain to the Indians of their agencies that they must comply strictly with the laws or face the penalties provided.[154]

Hence the Indian was squeezed between depleted stocks of wildlife and non-Indian competition on the one hand and game and fishing laws, designed to deal with part of the problem, on the other. This situation became more serious as forest, mining and hydro-electric development increasingly disturbed the wildlife of the middle north and brought non-Indian residents into the area. In addition, rising fur prices in the 1920s encouraged non-Indians to trap where only the Indians had trapped before.

Charles Stewart noted this in 1927. "The price of fur has gone up so materially in recent years that the white men are becoming very aggressive hunters."[155] The problem had been brought forcibly to the attention of the Department by the Supervisor of Indian Timber Lands. He told Scott that "the invasion of Indian trapping grounds is now a burning question in all the hinterland regions of Canada." The Department would have to find a solution, he said, or the Indian would become an impoverished mendicant. He complained that non-Indian trappers cleaned out a territory, unlike the Indians who used it year after year. He thought that the solution was to set aside exclusive trapping areas for the Indians.[156]

This suggestion became a recommendation of the Dominion-Provincial Game Conference in January 1928. Stewart wrote to all the provincial premiers from Quebec west to Alberta to solicit their co-operation in implementing the recommendation.[157] He received a mixed response.

At this time the dominion was negotiating natural resources transfer agreements with Manitoba, Saskatchewan and Alberta. When Manitoba and the then North-West Territories were brought into the Dominion of Canada in 1870, the land and natural resources of these areas had been placed under central control "for the purposes of the Dominion". This provision enabled the central government at Ottawa to provide reserves under the Indian treaties, to offer lands for railway building, to promote settlement through homestead grants of land, and in general, to foster the development of the west. By the 1920s, these purposes had been largely achieved. Consequently, agreements were negotiated to transfer jurisdiction over land and natural resources to the province of Manitoba and to Saskatchewan and Alberta, the two provinces that had been established in 1905 from the southern portion of the old North-West Territories.

One of the dominion's responsibilities that would be affected by the transfer was it responsibility for Indian people. For this reason, Indian reserves were described in the agreements as vested in the Crown in right of Canada, and provision was made for provincial Crown lands to be set aside as required for additional reserve land to enable the dominion "to fulfil its obligations under the treaties".[158]

An article was also inserted in the agreements to confirm that provincial game laws would apply to Indians but that they would have the right "of hunting, trapping and fishing game and fish for food at all seasons of the year on all unoccupied Crown lands and on any other lands to which the said Indians may have a right of access".[159] Nevertheless, the dominion gave up control of the land and natural resources of three of the provinces where it was seeking exclusive trapping areas for Indians.

A later Superintendent General of Indian Affairs, T.A. Crerar, commented on this in the House of Commons in 1938:

> It was, I think, unfortunate when the resources were transferred to the prairie provinces several years ago that areas were not reserved for Indian trapping grounds, particularly in the northern parts of the western provinces. We are now negotiating with the three western provincial governments to get back sufficient areas where we hope to build up the fur-bearing animals.[160]

The natural resources transfer agreements became law in 1930.[161] The very next year, the Department had to write to the R.C.M.P. pointing out the clause in the agreements allowing Indians to take game for food, because Indians had been prosecuted.[162] The question of the applicability of game laws to Indians became the subject of many court cases. It is an extremely complex issue, and one that still awaits settlement.

Meanwhile, the problem of non-Indian encroachment on Indian territory, a problem whose effects had been felt much earlier, was made even worse by the depression. Many impoverished farmers and unemployed people moved into the bush and competed with Indians for a living. This occurred throughout the entire trapping area of northern Canada, from Quebec to British Columbia and Yukon. Describing this movement in the prairie provinces, T.J.D. Powell said that many farmers moved north as early as 1929, but did so increasingly in 1931 and 1932.[163] "Not only did these newcomers kill large quantities of game for commercial gain, but also they depleted the number of fur-bearing animals. Those Indians who earned a livelihood by commercial fishing on the northern lakes were forced to retire from that industry."[164]

As early as 1929, the Department had reported on the fishing problem and confessed its own helplessness in working towards a solution.

> Another source of hardship to Indian bands in various parts of the country is the commercialization of fishing waters in the vicinity of Indian reserves without consideration for the needs of the Indian population. In some cases exclusive licences have been granted to white fishing interests covering waters fronting reserves upon which the Indians had originally located themselves expressly on account of the fishing advantages. To be cut off in this arbitrary manner from their natural food supply is a serious and unmerited misfortune for the Indians concerned. These conditions, needless to say, are not within the control of this department which, however, loses no opportunity to obtain redress and protection for its wards.[165]

Even in the Northwest Territories and Yukon, Indians were not free from competition. Distance from more populated regions may have kept the pressure from non-Indians relatively low, but by the 1930s "when increased hunting pressure, tied to an improving fur market, threatened game resources", suggestions were made for game preserves open only to Native people in Yukon similar to those that had been set aside by the federal government in the Mackenzie Valley. This suggestion was not accepted.[166]

In addition to the new non-Indian populations in the northern trapping areas and those who were driven there by the depression, there were those who were lured by the prospect of large and quick profits. As early as 1931, an aeroplane had been used in trapping.[167] When the Department learned that trapping by aeroplane was threatening the livelihood of Indians in the Northwest Territories, where the federal government had control, an order in council was passed, limiting the use of aircraft to transportation from a settlement to a trapper's principal base camp.[168]

Meanwhile, the Department endeavoured to get the provinces to set aside exclusive trapping areas for Indians as it had done in the Northwest Territories. By 1932, Quebec had set aside most of the northern part of the province,[168] while by 1934 Ontario had given Indians the exclusive right to take beaver and otter. A compromise had also been made with non-Indian trappers in Ontario north of the CNR main line. However, no special privileges had been granted in Manitoba or Saskatchewan. The latter, in fact, was leasing trapping areas to non-Indians while Alberta was proposing to do the same. British Columbia also had a trap-line leasing system. Indians were supposed to receive preferential treatment but were being crowded out.[170]

Only moderate success had been achieved by the end of the period. In 1937, it was reported that the Department was buying back trap-lines in British Columbia as they became available and had purchased twenty in the previous three years. Alberta set up an exclusive trapping area in the Fort Chipewayan district in 1935, and Saskatchewan discontinued leasing trap-lines to non-Indians in 1934, after representations had been made by the Department.[171]

Thomas G. Murphy, Superintendent General, told the House of Commons in 1932 "that it is the policy of the department to endeavour to put the Indian in a position where he can stand upon his own feet and provide himself with the necessities of life."[172] At the administrative level this policy was explained in a circular letter from A.S. Williams to all Indian agents. "Relief issues are only for old, sick or destitute or those who, through misfortune, are unable to provide for themselves.... the measure of your usefulness to the Department depends largely on the success you have in making your Indians self-supporting."[173] The reality of the inter-war years dictated that a large proportion of the Indian population would be unable to reach this goal.

The application of the Department's economic policy was necessarily regional and specific to the kinds of resources available to each band. This might involve support for trapping in one area, for farming in another, and for handicraft production somewhere else. Indian attempts to remain or become self-supporting were less successful than ever during the inter-war period. Indians whose livelihood depended on hunting, trapping and fishing felt the effects of the game laws and non-Indian competition as well as the depletion of game resources in general. Others were affected adversely by the general depression of the 1930s. Some policies and programs were developed to deal with these problems, but they were not adequate to meet the need. The Department's long-term goal for Indian economic policy remained unchanged, but the immediate objective became survival.

There was never enough money available to the Department to meet the need. Money that might have been used for constructive economic development was required for emergency relief and health care. Moreover, the value of any program or expenditure depended heavily on the quality of local Indian agents. Yet the Department insisted on centralized control and maintained an autocratic approach that could hardly have encouraged much initiative on the part of agents or co-operation from Indians. The Department's goal of a self-supporting Indian population receded further into the background during the economically difficult inter-war years.

ENDNOTES

PART II

1. See Allan G. Harper, "Canada's Indian Administration: The Treaty System", in America Indigena, Vol. VII, No. 2, April 1947. For the development of Indian treaty policy, see also Robert J. Surtees, The Original People, Holt, Rinehart and Winston, 1971 and John Leonard Taylor, "The Development of an Indian Policy for the Canadian North-West, 1869-79", Ph.D. thesis, Queen's University, 1976.

2. See Exhibit 1 (treaty map).

3. Morris Zaslow, The Opening of the Canadian North 1870-1914, McClelland and Stewart, 1971, p. 225.

4. René Fumoleau, As Long As This Land Shall Last, McClelland and Stewart, 1973, p. 105.

5. Public Archives of Canada, RG10, Vol. 4042, file 336877, Conroy to the Deputy Superintendent General, February 7, 1910.

6. See PAC, RG10. Vol. 4042, file 336877. See also Canada, Sessional Papers, 1914, No. 27, pp. 83-84, 1916, No. 27, p. 81, and Fumoleau p. 133.

7. PAC, RG10, Vol. 4042, file 336877, Scott to the Deputy Superintendent General, February 18, 1909. Scott was Chief Accountant at the time. Fumoleau commented (p. 133), "As had happened before, the Department's accountant would dictate Government Indian policy."

8. Fumoleau, pp. 137-38.

9. Ibid., p. 139.

10. PAC, Morris Papers, Alexander Campbell to Alexander Morris, August 6, 1873.

11. PAC, RG10, Vol. 4042, file 336877, Scott to the Deputy Superintendent General, February 17, 1910. See also Hansard, 1922, p. 1712.

12. Richard Daniel, "The Spirit and Terms of Treaty Eight", in Richard Price, ed., The Spirit of the Alberta Indian Treaties, Toronto, 1979, p. 58.

13. PAC, RG2, Series 1, Vol. 1018, P.C. 686, March 15 1921.

14. PAC, RG10, Vol. 4042, file 336877, McLean to Conroy, May 13, 1921.

15. See John Leonard Taylor, "Canada's North-West Indian Policy in the 1870's: Traditional Premises and Necessary Innovations", in D.A. Muise, Approaches to Native History in Canada, National Museums of Canada, 1977.

16. Fumoleau, p. 165.

17. Ibid., p. 145.

18. See the chapter by Richard Daniel on the Indian understanding of Treaty Eight in Richard Price, ed., The Spirit of the Alberta Indian Treaties, Toronto, 1979.

19. Fumoleau, p. 19.

20. Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Toronto, 1880, p. 35.

21. Charles Mair, Through the Mackenzie Basin, Toronto, 1908, p. 56. Mair was present at the Treaty Eight negotiations. Laird had also been Commissioner for Treaty Seven in 1877. Prior to that he had been Minister of the Interior when Treaties Four, Five and Six had been made.

22. Ibid., p. 60.

23. Fumoleau, p. 184. Conroy, too, was a link between treaty-makings since he had been a young clerk with the treaty party of 1899. Ibid., p. 106.

24. Ibid., p. 191.

25. Ibid., p. 194.

26. During the negotation of the first western or numbered treaties in Manitoba, some 'outside promises' were made verbally. They were eventually limited to a written memorandum which became part of these two treaties. However, the government decided, as a result of this experience, to have all promises fully set out in the treaty text. See Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Toronto, 1880, pp. 126-28

27. Fumoleau, p. 216.

28. Ibid., p. 217.

29. PAC, RG10, Vol. 4042, file 336877, Conroy to Scott, October 12, 1921.

30. For the complete text of Treaty Eleven, see the booklet printed by the Department of Indian and Northern Affairs, Ottawa, 1957.

31. C.S.P., 1922, No. 27, Report of the Superintendent General, p. 35.

32. C.S.P., 1921-22, No. 14, p. 14.

33. John A. Bovey, "The Attitudes and Policies of the Federal Government Towards Canada's Northern Territories: 1870-1930", M.A. thesis, University of British Columbia, 1967, pp. 154-55.

34. Richard C. Daniel, A History of Native Claims Processes in Canada 1867-1979, Research Branch, Department of Indian and Northern Affairs, 1980, pp. 63 ff.

35. Canada, House of Commons, Debates, 1924, p. 4857. "The waterfront of Lake Ontario and a small piece of land along the Toronto Carrying Place were not, however, fully secured until the Williams Treaty finally extinguished Indian title in a formal sense in 1923." R.J. Surtees, "Indian Land Cessions in Ontario 1763-1862: The Evolution of a System", Ph.D. thesis, Carleton University, 1983, p. 275. See Exhibit 2 (map).

36. Daniel, pp. 70-71.

37. Ibid., p. 73.

38. The British Columbia land question, Indian policy, and Indian-government relations generally have been explored in a number of works. See D. Madill, Select Annotated Bibliography on B.C. Indian Policy and Land Claims, Treaties and Historical Research Centre, Department of Indian and Northern Affairs, Ottawa, 1982.

39. Canada, Revised Statutes, Appendices, Queen's Printer for Canada, Ottawa, 1970, p. 284.

40. H.B. Hawthorn, C.S. Belshaw, and S.M. Jamieson, The Indians of British Columbia, University of California Press and the University of British Columbia, 1958, p. 52. See also Duncan Campbell Scott's remarks in Canada, House of Commons, Special Committees of the Senate and House of Commons, Appendix No. 2, 17 Geo. 5, 1926-27, Ottawa, 1927, p. 19. This source will be cited as Appendix No. 2.

41. Hawthorn, pp. 52-53.

42. Wilson Duff, *The Impact of the White Man,* in *The Indian History of British Columbia*, Vol. I, Victoria, 1964, p. 68.

43. Daniel, p. 44.

44. *Ibid*.

45. Duff, p. 68. The Indians claimed that the lands cut off were good lands while those added were not. *Appendix No. 2*, p. 125.

46. Duff, p. 69.

47. Hawthorn, p. 56. See also George Edgar Shankel, "The Development of Indian Policy in British Columbia." Ph.D. thesis, University of Washington, 1945, pp. 202-05.

48. See *Hansard*, 1920, pp. 793-94 and 952-54; see also Daniel, p. 47.

49. Shankel, p. 205.

50. *Ibid*. Perhaps this presentation was never made until 1927. See *Appendix No. 2*, pp. 124-25.

51. Canada, *Statutes*, 10-11 Geo. 5, C. 51, 1920.

52. Daniel, p. 49.

53. "Based on the present population of the Province, 24,744, for a twenty-year period and at the usual annuity of $5 per capita, this would mean a payment of $2,474,400." *Appendix No. 2*, p. 69.

54. Shankel, p. 209.

55. Ibid.

56. Appendix No. 2, p. XXI.

57. Daniel, p. 48.

58. Appendix No. 2, p. XXI.

59. Canada, Sessional Papers, 1925, No. 14, Report of the Deputy Superintendent General, p. 8.

60. "An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province". Canada, Statues, 10-11 Geo. 5, C. 51, 1920.

61. Shankel, p. 267.

62. Appendix No. 2, p. XXI.

63. Forrest E. La Violette, The Struggle for Survival, University of Toronto Press, 1961, p. 139.

64. Appendix No. 2, p. XXIII. See Exhibit 3.

65. Daniel, p. 49.

66. Appendix No. 2, p.p. 15-18.

67. Ibid., p. 6.

68. *Ibid.*, p. 7.

69. *Ibid.*, p. 14.

70. *Ibid.*, p. 20.

71. *Ibid.*, p. 21.

72. *Ibid.*, pp. 21 and 106.

73. *Ibid.*, p. 22.

74. *Ibid.*, p. 23.

75. *Ibid.*, p. 26.

76. See *Hansard*, 1920, pp. 793 ff.

77. Daniel, p. 52.

78. *Appendix No. 2*, p. 75.

79. *Ibid.*, p. 149.

80. *Ibid.*, pp. 152 ff.

81. *Ibid.*, p. 153.

82. *Ibid.*, p. 132.

83. *Ibid.*, p. 160.

84. Ibid.

85. Ibid., pp. 172-73.

86. Ibid., Apendix H, pp. 65-71.

87. Ibid., p. 225.

88. Ibid.

89. Ibid., pp. VI ff..

90. Shankel, pp. 275-76.

91. Appendix No. 2, p. XIII.

92. Ibid., p. XVIII.

93. Shankel, pp. 306-07.

94. Ibid., p. 308.

95. Duff, p. 69.

96. Beth Van Dyke and Douglas Sanders, "The Indian Land Claim Struggle in British Columbia", Union of British Columbia Indian Chiefs, Victoria, 1975, p. 9.

97. Hansard, 1924, pp. 3824 and 3825.

98. Ibid., p. 2992.

99. *Ibid.*, pp. 3823-24.

100. *Ibid.*, p. 3823.

101. *Ibid.*, p. 3824.

102. Canada, *Statutes*, 14-15 Geo. 5., C. 47, 1924, section 1, sub-section 2.

103. *Annual Report of the Department of the Interior*, 1927-28, p. 121. See the Bibliography for an explanation of the method of citing annual reports.

104. V.C. Fowke, *The National Policy and the Wheat Economy*, University of Toronto Press, 1957, pp. 287-88.

105. *Hansard*, 1938, pp. 3792-93.

106. *Departmental Annual Report*, 1929, Report of The Deputy Superintendent General, p. 8.

107. Canada, House of Commons, *Indian Self-Government in Canada*, Report of the Special Committee, 1983, p. 71.

108. *Hansard*, 1928, p. 3826.

109. F.H. Leacy (ed. 2nd edition), M.C. Urquhart (ed. 1st edition), and K.A.H. Buckley (asst. ed. 1st edition), *Historical Statistics of Canada*, Statistics Canada and Social Science Federation of Canada, 1983, F1-13.

110. *Ibid.*, F14-32 and F33-46.

111. *Ibid.*, F1-13.

112. *Ibid*.

113. *Departmental Annual Report*, 1929, p. 91.

114. *Ibid*., 1933, p. 42.

115. *Ibid*., 1940, p. 204. The Report of the Deputy Superintendent General noted the relatively better position of Indian agriculturists. See *Departmental Annual Report*, 1933, p. 7.

116. Leacy, F1-13.

117. *Departmental Annual Report*, 1934, Report of the Deputy Superintendent General, p. 7.

118. *Ibid*., 1929, p. 91.

119. *Ibid*., 1933, p. 42.

120. *Ibid*., 1936, p. 49.

121. *Ibid*., 1931, p. 7.

122. *Ibid*., 1935, p. 10.

123. Leacy, Urquhart, and Buckley, F1-13 and *Departmental Annual Reports*, 1929 p. 91 and 1933 p. 42.

124. Linda M. Grayson, ed., *Wretched of Canada; letters to R.B. Bennett, 1930-35*, University of Toronto Press, 1971, p. XII.

125. *Departmental Annual Report*, 1933, Report of the Deputy Superintendent General, pp. 8-9.

126. *Hansard*, 1938, p. 3799.

127. *Ibid.*, p. 3798. See also *Departmental Annual Reports*, 1937, p. 187 and 1939, p. 185.

128. See PAC, RG10, Vol. 7593, file 10000-3.

129. *Ibid.*

130. Canada, *Statutes*, 2 Geo. 4, C. 31, 1938.

131. *Hansard*, 1938, p. 3528.

132. *Ibid.*, p. 3350.

133. *Ibid.*, p. 3353.

134. *Departmental Annual Report*, 1939, Indian Affairs Branch, p. 183.

135. *Ibid.*, 1931, Report of the Deputy Superintendent General, p. 8.

136. *Ibid.*, 1938, Indian Affairs Branch, p. 224.

137. *Ibid.*, 1939 p. 188.

138. *Hansard*, 1928, p. 3828. Statistics for schools were regularly given in detail in the Department's annual reports.

139. *Ibid.*, 1920, p. 3280.

140. *Ibid.*, 1928, p. 3825.

141. Departmental Annual Report, 1936, Indian Affairs Branch, p. 195.

142. Hansard, 1938, pp. 3795 and 3796-97.

143. Ibid., 1930, pp. 2762-63.

144. Departmental Annual Report, 1938, p. 221.

145. Ibid., pp. 221-22.

146. Department of Indian Affairs, "General Instructions to Indian Agents in Canada", 1933, at Treaties and Historical Research Centre, Indian and Northern Affairs Canada.

147. Ibid.

148. Hansard, 1937, p. 419. As the Indian population was reckoned at approximately 112,000 at this time, the number on relief represents about one-third of the total.

149. Diamond Jenness, "Canada's Indians Yesterday. What of Today?", Canadian Journal of Economics and Political Science, Vol. XX, No. 1, February 1954, p. 99.

150. Morris Zaslow, The Opening of the Canadian North 1870-1914, McClelland and Stewart, 1971, p. 242.

151. Ibid.

152. PAC, RG10, Vol. 6731, file 420-1, Scott to Meighen, November 21, 1918.

153. Hansard, 1920, p. 3280.

154. PAC, RG10, Vol. 6731, file 420-1, circular letter, April 26, 1926.

155. Canada, House of Commons, Special Committee of the Senate and House of Commons, Appendix No. 2, 17 Geo. 5, 1926-27, Ottawa, 1927, pp. 129-30.

156. PAC, RG10, Vol. 6731, file 420-1, July 7, 1926.

157. Ibid., February 2, 1929.

158. Article 11 of the agreement with Manitoba and article 10 of the agreements with Saskatchewan and Alberta. For the text see Derek G. Smith, ed., Canadian Indians and the Law: Selected Documents, 1663-1972, McClelland and Stewart, 1975, pp. 151-53.

159. Articles 13 and 12 respectively. See Smith pp. 152-54.

160. Hansard, 1938, p. 3799.

161. Canada, Statutues, 20 Geo. 5, C. 3 (Alberta), C. 41 (Saskatchewan), and C. 29 (Manitoba), 1930.

162. PAC, RG10, Vol. 6731, file 420-1, MacInnes to Starnes, March 21, 1931.

163. T.J.D. Powell, "Northern Settlement, 1929-1935", Saskatchewan History, XXX, No. 3, Autumn 1977, p. 86.

164. Ibid., p. 95.

165. Departmental Annual Report, 1929, Report of the Deputy Superintendent General, p. 8.

166. Kenneth S. Coates, "Best Left as Indians: The Federal Government and the Indians of the Yukon, 1894-1950", paper presented to CHA conference, June 1983, p. 10.

167. PAC, RG10, Vol. 6731, file 420-1, MacInnes, memorandum to Special Game Committee, June 10, 1932.

168. Annual Departmental Report, 1936, p. 190.

169. Ibid. See also Hansard, 1932, p. 2574.

170. PAC, RG10, Vol. 6731, file 420-1, memorandum to the Superintendent General, February 23, 1934.

171. Ibid., memorandum signed by MacInnes, March 5, 1937.

172. Hansard, 1932, p. 2574.

173. PAC, RG10, Vol. 6731, file 420-1, September 26, 1932.

Exhibit 3

Treaty Map (Treaty 11)

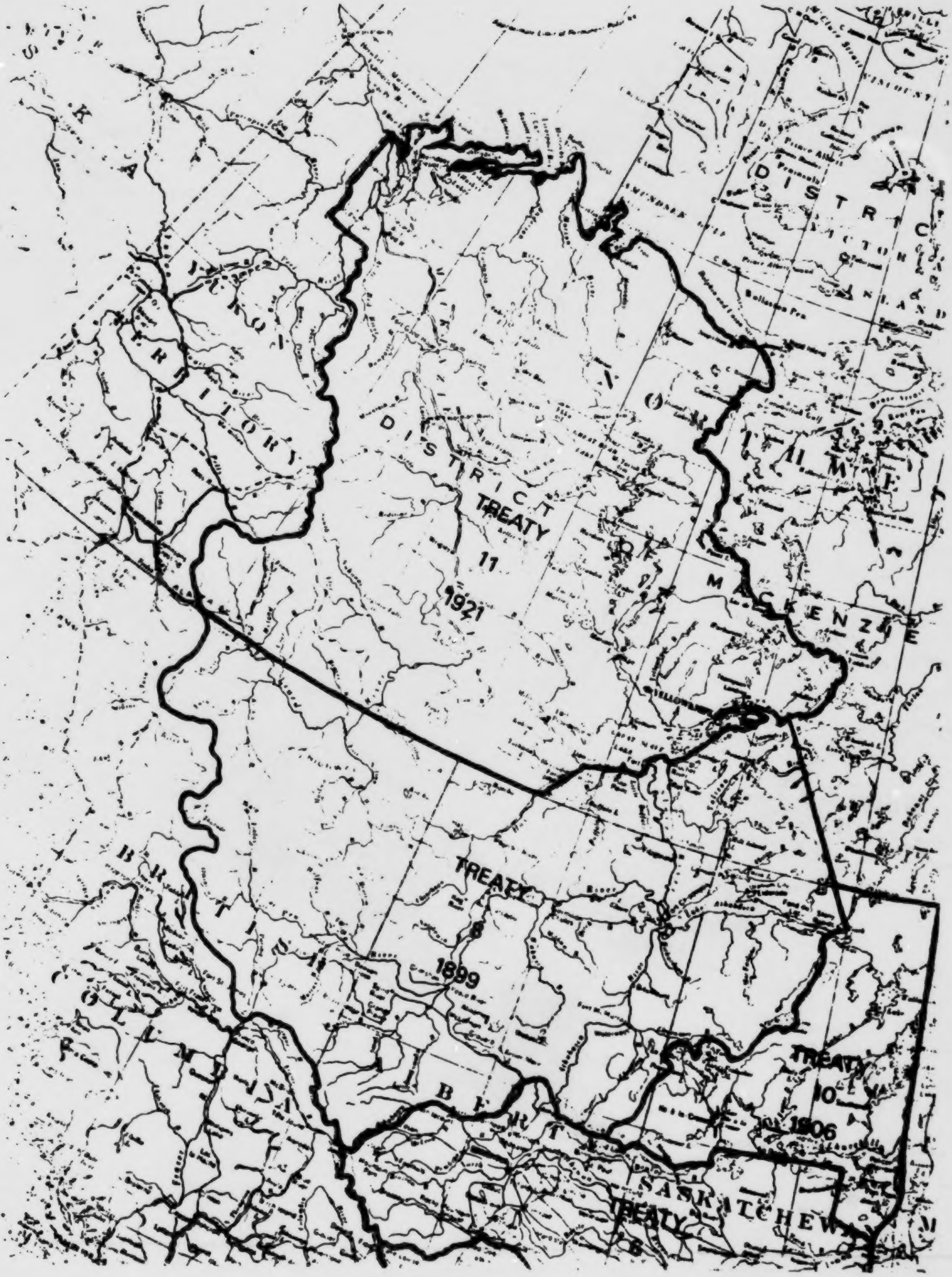
YUKON TERRITORY
DISTRICT OF MACKENZIE
TREATY 11
1921
TREATY 8
1899
TREATY 10
1906
TREATY 6
BRITISH COLUMBIA
ALBERTA
SASKATCHEWAN
VICTORIA ISLAND

Exhibit 4

Treaty Map (1923)

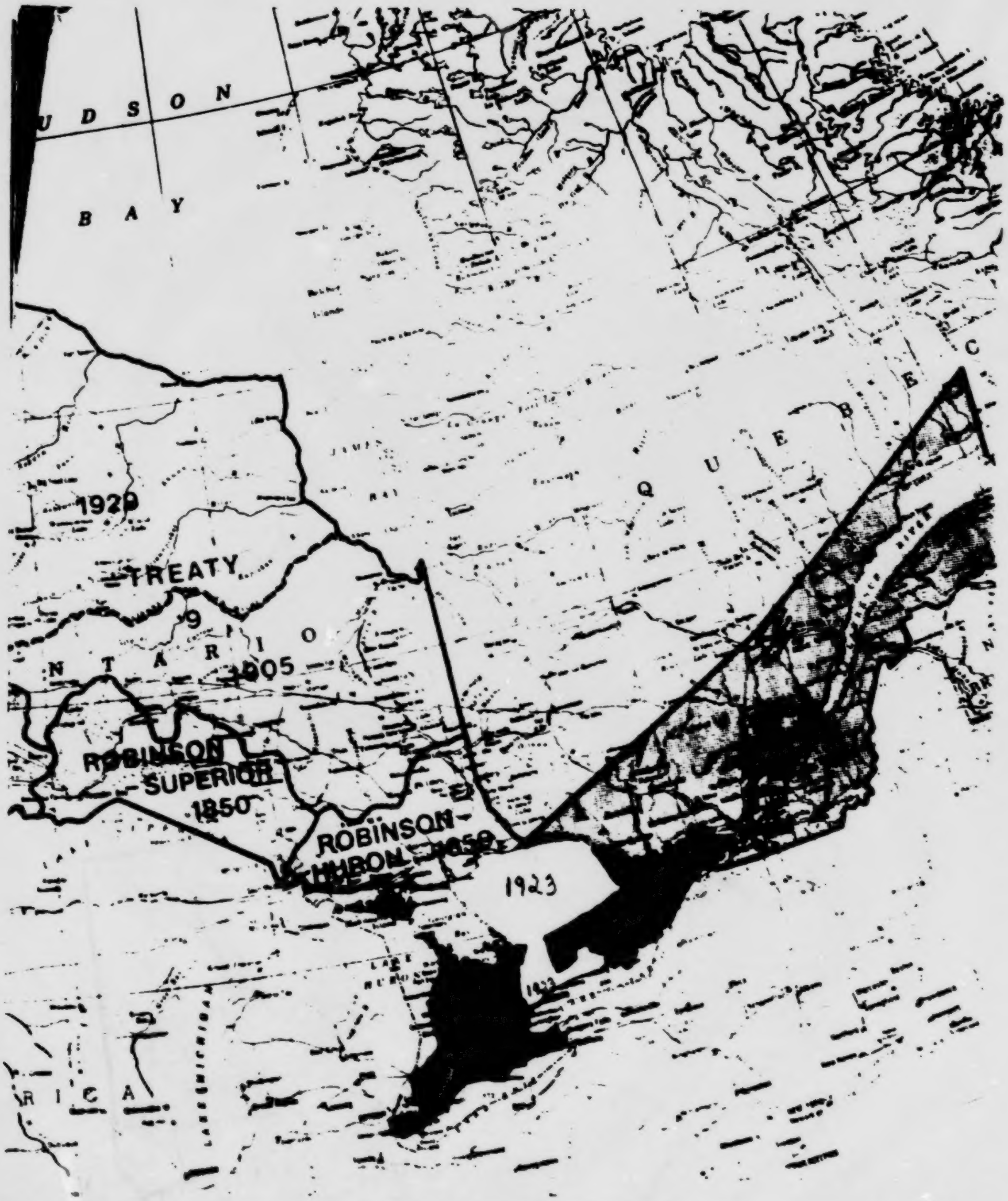
UDSON
BAY
QUEBEC
1929
TREATY
9
ONTARIO
1905
ROBINSON SUPERIOR 1850
ROBINSON HURON 1850
1923
RICA

Exhibit 5

Allied Tribes of
British Columbia
Petition to Parliament

ADDENDUM

Your Committee begs to report that after all evidence had been received, the expected letter referred to by Mr. Andrew Paull at pages 96 and 97 of the printed evidence was laid before the Committee. The text of the letter follows, and it will be observed that the diary of Father Fouquet, while it mentions the meeting referred to, does not disclose that any promises were made by the Governor:—

> St. Mary's Mission, January 3, 1923.
>
> Dear Paul,—Excuse me of my delay on answering to your letter of Nov. the 16th. I looked over our old papers. I am sorry to say that I could not find anything that would help the Indian cause. Rev. Father Fouquet mentioned an Indian meeting on the 24th of May, 1864, when several Indian chiefs made some speeches to the new Governor at New Westminster. The Governor answered to them. But unfortunately Father never mentioned what has been said in that circumstance, when 4,000 Indians were gathered headed by 60 Indian chief. Look please in New Westminster archives of 1864. You may find some information; if those papers have not been destroyed by the big fire.
>
> I hope Dear Paul that the year 1923 will successfully terminate that long struggle about the Indian rights. I enclose here an almanack and wish to you and your family a good and happy year.

Note.—This Report was concurred in on 14th April, 1927. See Journals, p. 431.

PETITION TO PARLIAMENT, JUNE, 1926

The Petition of the Allied Indian Tribes of British Columbia humbly showeth as follows:

1. This Petition is presented on behalf of the Allied Indian Tribes of British Columbia by Peter R. Kelly, Chairman duly authorized by resolution unanimously adopted by the Executive Committee of allied Tribes on 19th December, 1925.

2. When British Columbia entered Confederation Section 109 of the British North America Act was made applicable to all public lands with certain specific exceptions. By virtue of the application of this Section it was enacted that public lands belonging to the Colony of British Columbia should belong to the new Province. By virtue of the application of the same Section as explained by the Minister of Justice in January, 1875, all territorial land rights claimed by the Indian Tribes of the Province were preserved and it was enacted that such rights should be an "interest" in the public lands of the Province. The Indian Tribes of British Columbia claim actual beneficial ownership of their territories, but do not claim absolute ownership in the sense of ownership excluding any title of the Crown. It is recognized by the allied Tribes that there is in respect of all the public lands of the Province an underlying title of the Crown, which title at least for present purposes it is not thought necessary to define.

3. In order to make clear what is meant by an " interest " the Petitioners quote the following words of Lord Watson to be found in the Indian Claims Case—L. R. 1897 A. C. at page 210:—"An interest other than that of the Province in the same appears to them to denote some right or interest in a third party independent of and capable of being vindicated in competition with the beneficial interest of the old Province."

4. The position taken by the allied Tribes was placed before Parliament by means of Petition presented to the House of Commons on 23rd March, 1920, and read in the House of Commons and recorded on 26th March, 1920 (Hansard p. 825) and Petition presented to the Senate on 9th June, 1920, to all contents of which two Petitions the Petitioners beg leave to refer.

5. In the month of August, 1910, Sir Wilfrid Laurier, having been advised by the Department of Justice that the Indian land controversy should be judicially decided, met the Indian Tribes of Northern British Columbia at Prince Rupert and speaking on behalf of Canada said—"I think the only way to settle this question that you have agitated for years is by a decision of the Judicial Committee, and I will take steps to help you."

6. By agreement which was entered into by the late Mr. J. A. J. McKenna, Special Commissioner on behalf of the Dominion of Canada and the late Premier Sir Richard McBride on behalf of the Province of British Columbia in the month of September, 1912, and before the end of that year was adopted by both Governments, it was stipulated that by means of a Joint Commission to be appointed, lands should be added to Indian Reserves and lands should be cut off from Indian Reserves. By that agreement it was provided that the carrying out of its stipulations should be a "final adjustment of all matters relating to Indian affairs in the Province of British Columbia."

7. On the 30th day of June, 1916, the Royal Commission on Indian Affairs for the Province of British Columbia appointed in pursuance of the agreement above mentioned issued Report which was placed in the hands of both Governments.

8. In the month of September, 1916, the Duke of Connaught, acting as His Majesty's Representative in Canada and in response to letter which had been addressed to him on behalf of the Nishga Tribes and the Interior Tribes, gave assurances communicated by His Secretary to the General Counsel of allied Tribes in the following words:—

"His Royal Highness has interviewed the Honourable Dr. Roche with reference to your letter of the 29th May and your interview with me and I am commanded by His Royal Highness to state that he considers it is the duty of the Nishga Tribe of Indians to await the decision of the Commission, after which, if they do not agree to the conditions set forth by that Commission, they can appeal to the Privy Council in England, when their case will have every consideration. As their contentions will be duly considered by the Privy Council in the event of the Indians being dissatisfied with the decision of the Commission, His Royal Highness is not prepared to interfere in the matter at present and he hopes that you will advise the Indians to await the decision of this Commission."

9. The allied Tribes have always been and still are unwilling to be bound by the agreement above mentioned and have always been and still are unwilling to accept as final settlement the findings contained in the Report of the Royal Commission.

10. In the year 1920 the Parliament of Canada enacted the law known as Bill 13 being Chapter 51 of the Statutes of that year authorizing the Governor-General in Council to carry out the agreement above mentioned by adopting the Report of the Royal Commission. From the preamble and the enacting words the professed purpose of the Bill appeared to be that of effecting settlement by actually adjusting all matters.

11. In course of debate regarding Bill 13 had in the Senate on 2nd June, 1920, Sir James Lougheed, leader of the then Government in the Senate, answering remarks of Senator Bostock by which was expressed the fear that if the Bill should become law the Indians might "be entirely put out of Court and be unable to proceed on any question of title," gave the following assurance (Debates of Senate—1920 p. 475 col. 2):—

"I might say further, honourable gentlemen, that we do not propose to exclude the claims of Indians. It will be manifest to every honourable gentleman that if the Indians have claims anterior to Confederation or anterior to the creation of the two Crown Colonies in the Province of British Columbia they could be adjusted or settled by the Imperial Authorities. Those claims are still valid. If the claim be a valid one which is being advanced by this gentleman and those associated with him as to the Indian Tribes of British Columbia being entitled to the whole of the lands in British Columbia this Government cannot disturb that claim. That claim can still be asserted in the future."

12. Upon occasion of interview had with the Executive Committee and the General Counsel of allied Tribes at Vancouver on 27th July, 1923, the Minister of Interior speaking on behalf of the Government of Canada conceded that the allied Tribes are entitled to secure judicial decision of the Indian land controversy and gave assurance that the Dominion of Canada would help them in securing such decision.

13. By Order in Council passed in the month of August, 1923, the Government of the Province of British Columbia adopted the Report of the Royal Commission.

14. By Memorandum which was presented to the Government of Canada on 29th February, 1924, the allied Tribes opposed the passing of Order in Council of the Government of Canada adopting the Report of the Royal Commission upon the ground, among other grounds, that, no matter whatever relating to Indian affairs in British Columbia having been fully adjusted and important matters such as foreshore rights, fishing rights and water rights not having been to any extent adjusted, the professed purpose of the Agreement and the Act had not been accomplished.

15. By Order in Council passed on 19th July, 1924, the Government of Canada, acting under Chapter 51 of the Statutes of the year 1920 and upon recommendation of the Minister of Interior adopted the Report of the Royal Commission.

16. From the Memorandum issued by the Deputy Minister of Justice on 29th February, 1924, answering questions which had been submitted by the allied Tribes to the Government of Canada, the Order-in-Council passed on 19th July, 1914, and the Memorandum issued by the Deputy Minister of Indian Affairs on 9th August, 1924, it clearly appears as is submitted that both the Department of Justice and the Department of Indian Affairs regard the Statute Chapter 51 of the year 1920 as intended, not for bringing about an actual adjustment of all matters relating to Indian affairs, but for the purpose of bringing about a legislative adjustment of all such matters and thus effecting final settlement under the laws of Canada without the concurrence or consent of the Indian Tribes of British Columbia.

17. The allied Tribes submit that, so far as Section 2 being the main enactment of Chapter 51 may be interpreted as being intended for accomplishing the purpose above mentioned and thus bringing to an end all the aboriginal rights claimed by the Indian Tribes of British Columbia, that enactment is in conflict with the provisions of the British North America Act.

18. On the 15th January, 1925, the Executive Committee of the allied Tribes unanimously adopted the following resolution:

"In view of the fact that the two Governments have passed Orders-in-Council confirming the Report of the Royal Commission on Indian Affairs, we the Executive Committee of the allied Tribes of British Columbia are more than ever determined to take such action as may be necessary in order that the Indian Tribes of British Columbia may receive justice and are furthermore determined to establish the rights claimed by them by a judicial decision of His Majesty's Privy Council."

19. In the course of debate had in the House of Commons on the 26th June, 1925, the Minister of Interior speaking on behalf of the Government of Canada in answer to the representations which had been made on behalf of the allied Tribes recognized that the allied Tribes are entitled to obtain from His Majesty's Privy Council decision of the Indian land controversy and agreed that the Government would give authoritative sanction for doing so.

20. With regard to the remark then made by the Minister that the Government would not be justified in providing funds unless "something very concrete" should be presented, the allied Tribes submit that they have already presented "something very concrete", namely, their own conditions proposed for equitable settlement by their Statement presented to the Government of British Columbia in response to request of that Government in the month of December, 1919, and subsequently presented to the Government of Canada.

21. With regard to the general subject of the funds which as the allied Tribes claim the Dominion of Canada is under the obligation of providing, the allied Tribes have placed in the hands of the Superintendent-General of Indian Affairs the following Memorial:

THE ALLIED INDIAN TRIBES OF BRITISH COLUMBIA TO THE SUPERINTENDENT GENERAL OF INDIAN AFFAIRS

By this Memorial of the allied Indian Tribes of British Columbia it is respectfully submitted as follows:

The allied Tribes submit that the Dominion of Canada is under obligation for providing all funds already expended and all funds requiring hereafter to be expended by the allied Tribes in dealing with the Indian land controversy, in establishing the rights of the allied Tribes, and in bringing about final adjustment of all matters relating to Indian affairs in British Columbia.

The allied Tribes so submit upon grounds briefly stated as follows:

1. Well established precedent relating to judicial proceedings intended for establishing the rights of Indian Tribes and in particular that of the Oka case, which was carried independently to the Judicial Committee of His Majesty's Privy Council by the Indians interested and of which the total cost was provided by the Parliament of Canada.

2. The fact that the Dominion of Canada being by virtue of the British North America Act and the "Terms of Union" Trustee for the Indian Tribes of British Columbia and under all obligations arising from such trusteeship has by entering into the compact with British Columbia above mentioned rendered itself incompetent for taking effective action establishing the rights of the Indian Tribes of British Columbia, as is clearly shown by the Opinion of the Minister of Justice issued in the month of December, 1913, and moreover has put itself in the position of a party in the case upholding the contentions of the Province of British Columbia, and by the acts so stated has placed upon the Indian Tribes the absolute necessity of proceeding independently for establishing their rights.

3. The principle of compensation in respect of all aboriginal land and other rights of the Indian Tribes of British Columbia, responsibility for which has already been conceded by the Dominion of Canada, and of which as the allied Tribes submit the first item consists of the full expenditure required for establishing such rights of the Indian Tribes and bringing about adjustment of all matters now requiring to be adjusted.

4. The assurances which on behalf of the Dominion of Canada have from time to time been given to the Indian Tribes of British Columbia and in particular that of Sir Wilfrid Laurier and those of the present Minister of Interior.

5. The lands and funds held by the Dominion of Canada in trust for the allied Tribes and being the full beneficial property of the allied Tribes.

Therefore the Allied Tribes now formally demand from the Dominion of Canada payment of the sum of one hundred thousand dollars, being the total amount of such expenditure already incurred, and further demand from the Dominion of Canada that full provision be made for paying all additional funds which hereafter shall be required for such expenditure, as shall be agreed upon between the allied Tribes and the Dominion of Canada or if necessary shall be determined by the Judicial Committee of His Majesty's Privy Council.

Dated at the City of Ottawa the June, 1926.

Chairman of Executive Committee of Allied Tribes.

To Honourable Charles Stewart,
Superintendent-General of Indian Affairs,
Ottawa.

22. The Government of Canada having definitely agreed as is above shown that the Dominion of Canada will facilitate securing from the Judicial Committee of His Majesty's Privy Council decision of the Indians land controversy, the General Counsel of allied Tribes entered upon discussion with the Minister of Justice regarding the particular method by which the securing of such decision will be facilitated, and offered to suggest for consideration of the Minister of Justice common ground which might be reached by the Government of Canada and the allied Tribes in connection with the carrying forward of the independent judicial proceedings of the allied Tribes.

23. In presenting this Petition to the Parliament of Canada as the Supreme Body representing the Dominion of Canada the allied Tribes declare that, while it is necessary for them to demand what they consider to be their rights from both the Province of British Columbia and the Dominion of Canada and even to contest the validity of an Act of the Parliament of Canada, they desire and intend to act towards all Ministers of the Crown, all Members of both Houses of Parliament and all others concerned in a thoroughly reasonable and conciliatory way and that their one central objective is, by securing judicial decision of all issues involved, to open the way for bringing about an equitable and moderate settlement satisfactory to the Governments as well as to themselves.

Therefore the Petitioners humbly pray:—

1. That by amendment of Chapter 51 of the Statutes of the year 1920 or otherwise the assurance set out in paragraph 11 of this Petition be made effective and the aboriginal rights of the Indian Tribes of British Columbia be safeguarded.

2. That steps be taken for defining and settling between the allied Indian Tribes and the Dominion of Canada all issues requiring to be decided between the Indian Tribes of British Columbia on the one hand and the Government of British Columbia and the Government of Canada on the other hand.

3. That immediate steps be taken for facilitating the independent proceedings of the allied Tribes and enabling them by securing reference of the Petition now in His Majesty's Privy Council and such other independent judicial action as shall be found necessary to secure judgment of the Judicial Committee of His Majesty's Privy Council deciding all issues involved.

4. That this Petition and all related matters be referred to a Special Committee for full consideration.

Dated at the City of Ottawa, the 10th day of June, 1926.

PETER R. KELLY,
Chairman of Executive Committee of Allied Tribes.

PART III

The Indian Future

While conflicting land use requirements may have necessitated a rapprochement between the Indians and the government of the newcomers, what was to be done about the Indians after the treaties had been made and the reserves set aside? This problem raised a number of questions, behind which was a basic concern. To what extent should Indians be supported as Indians, and how far should they be pushed towards the goals of assimilation, integration, or enfranchisement? These questions were only partially answered by the Indian policy as reflected in actual administration -- and even then, in ways that sometimes appeared contradictory.

In an effort to provide practical answers to these questions, the Indian Department attempted to suppress certain features of Indian culture while supporting others. They saw the long-term goal as enfranchisement but were uncertain as to just how it should be carried out and at what speed. They wanted Indians to assume full citizenship but were offended and frightened by their endeavours to organize politically. The dialogue between Indian people and government had not yet begun, nor had Indian organizations yet achieved a recognized role in determining the Indian future.

CHAPTER 9

Progress or Cultural Suppression?

A fundamental goal of the Indian Department was to lead its 'wards' to economic and social self-sufficiency. Both the Indian Act and departmental administration were intended to further this goal and to protect Indians while it was being accomplished. Many aspects of Indian life and culture were regarded by departmental officials as a hindrance to their efforts, particularly customs emphasizing tribal life and the old ways. Two of these customs were the potlatch in British Columbia and the Sun Dance on the prairies.

These celebrations were regarded as evil in themselves, because they were associated with killing or torture or with other practices considered barbaric. They were also believed to occupy the time and attention of Indians for weeks at a time, leading them to neglect their families and the activity necessary to earn a living.

As a result of departmental opposition, legislation was passed making it illegal to participate in these practices. The potlatch was the target of an Indian Act amendment of 1884. In 1895 this section of the Act, which had been incorporated as section 114 of the Indian Act of 1886, was replaced by a broader provision that covered the Sun Dance as well. The list of prohibited activities was further extended by the Indian Act amendment in 1914 to prohibit any Indian in the four western provinces and in the territories from participating in an Indian dance outside the bounds of his own reserve or "in any show, exhibition, performance, stampede or pageant in aboriginal costume without the consent of the Superintendent General of Indian Affairs or his authorized Agent."[1]

The Indian Act revision of 1927 retained all of these prohibitions, almost word for word, in section 140. They were not dropped until the next major Indian Act revision in 1951. The prohibition that received a good deal of attention during the inter-war years was that forbidding the potlatch.

Among the distinctive cultural features of the coastal Indians of British Columbia were practices that have been grouped under the term potlatch, an institution that has been described in many anthropological and historical works.[2] The name itself has been explained by George Clutesi:

> Tloo-qwah-nah later came to be known as Potlatch by the early Europeans perhaps because the Nootka verb Pa-chitle, to give, was often heard during these festivities so naturally the early settlers mistook that verb for the name of the feast. Pa-chitle is the verb. Pa-chuck is the noun and means article to be given. Both words were used only when the articles were given in public such as at a feast.[3]

The role and purpose of the potlatch were many and varied.

> Potlatches were associated above all with the households and their interrelationships. The primary purpose of most potlatches was to make memorable an occasion like the accession to a new ceremonial position or to a name, to mark the erection of a house or to give formal public notice of a birth, a coming-of-age, a marriage or a death. Although essentionally secular, potlatches also occurred in conjunction with some ceremonies which had religious elements or foundations, such as the Winter Dances of the Kwakiutl and the Spirit Dances of the Salish. Everywhere they provided the opportunity of recounting or dramatizing the supernatural origin of names, crests or other privileges.[4]

The best-known feature of the potlatch is the ceremonial giving away by the host of large quantities of property. H.G. Barnett explained that these were largely treasure items.

> They have an arbitrary value unrelated for the most part to physical human needs. Their consumption utility, especially in recent times, has been negligible; they consist of cloth, blankets, and other surplus wealth which is manipulated solely upon the prestige level. Food, it is true, is consumed upon occasions which count in every way as potlatches; but the kinds and the quantities of food proper to such feasts preclude them from the category of subsistence economy.[5]

This may represent a change from earlier times, as this explanation conflicts with the description provided by George Clutesi, who notes that goods were collected for years prior to a potlatch. He lists sea otter robes, whaling canoes, sea otter and fur-seal hunting canoes, and fishing and utility canoes, as well as cooking utensils. He also mentions the responsibilty of housing and feeding all the guests for the duration of the ceremony, which was a minimum of fourteen days and a maximum of twenty-eight.[6]

The arrival of Europeans initiated a period of change in the institution of the potlatch. One change, described by Helen Codere in writing about the Kwakiutl, may have been responsible for drawing unfavourable attention to the practice. "One of the most marked features of the historical record of the potlatch is the contrast in the size of the potlatches given before the approximate date of 1849 when a relatively small amount of property was distributed and after that date when the amount increased sharply."[7] She relates this increase to substituting "fighting with property" for the warfare that had ceased about mid-century.

Indian agents and missionaries disliked the potlatch. "The Indian custom that Indian agents were most anxious to eradicate was the potlatch. They felt that the potlatch was a 'foolish, wasteful and demoralizing custom', and their opinions were shared by the missionaries."[8] The missionaries and agents objected to the time and effort devoted to potlatching, which, in their view, detracted from industrious labour. They were also horrified that a family could approach them for welfare just a few days after giving away all their possessions at a potlatch. Victorian thrift was doubly offended by the large-scale destruction of property that had also been reported as a feature of potlatches.[9] To non-Indians, the competition and sense of obligation involved in the custom seemed pernicious and self-perpetutating.

In 1884, at the prompting of the agents and missionaries, the government had Parliament amend the Indian Act to prohibit potlatching. The prohibition was intended to prevent a drain upon Indian energies in order to allow them to become or remain self-supporting. The degree of Indian opposition had not likely been foreseen. "The potlatch was such an integral part of northwest coast Indian society that to eliminate it would almost be to destroy traditional Indian culture. In the event, the law prohibiting the potlatch proved virtually impossible to enforce."[10]

Apart from Indian opposition to enforcement of the potlatch law, Indian agents faced the unwillingness of provincial authorities to provide the necessary support within their constitutional responsibility for the administration of justice. Without provincial co-operation, policemen or jail facilities, there was little that the Indian agents could do. In addition, there was a good deal of unofficial non-Indian opposition in British Columbia to enforcing this law. Some people defended the practice, while others may have feared Indian disturbances if it was denied them. In any case, few arrests or convictions occurred, while argument raged and the amendment remained in the Indian Act to intimidate some and enfuriate others.

Enforcement was sporadic, lax and often unsuccessful until 1918 when the section was amended to make it easier to enforce. Meighen explained to the House of Commons the effect and purpose of the amendment. "We simply make this an offence subject to proceeding by summary conviction, in order to avoid the expense of proceeding by indictment."[11] Following this amendment, a series of arrests were made, and some convictions were obtained between then and 1922. "In 1920, eight were imprisoned at Alert Bay, and the following year forty at Cowichan."[12]

In September 1921, Prime Minister Arthur Meighen received a letter from a barrister enclosing a petition from some Vancouver Island Indians complaining of the revival of enforcement. The potlatch was explained as a reciprocal act in which the giver would receive back should he ever be in need. It was also described as a way of recording loans. Its prohibition deprived many Indians of repayment. The petition, dated March 1921, asked for an impartial investigator.[13]

This letter was no doubt referred to the Department because, in a memorandum prepared a few days later, J.D. McLean explained that the Department had investigated the potlatch more than any other subject in British Columbia. He was unable to agree to amend the section or relax enforcement.[14]

Enforcement did continue for a short time. Questions were asked in the House of Commons in May 1922, revealing that fifty convictions of Indians had been obtained in British Columbia in the previous six months.[15] The same series of questions also drew the response that the Anthropological Division of the Department of Mines had been asked by the Indian Department for a report on the potlatch. Commissioned in 1920, this investigation may have been on McLean's mind when he wrote his memorandum. La Violette commented:

> Now for the first time in the history of the controversy, a cultural anthropologist was officially consulted. Indian Affairs at Ottawa engaged Dr. Marius Barbeau, then of the Department of Mines and Resources, Anthropology Section, to prepare a formal description of the potlatch. This statement was of course designed only for the advice of the Deputy Superintendent-General and the responsible cabinet minister. In some way information regarding work on such a report got into circulation.... In addition to Drs. Boas* and Barbeau, James A. Teit, who served as an advisor to the Indians, became involved in activities dealing with public policy. Thus legal experts, the lawyers and parliamentarians, and experts on cultural systems appeared as important participants in the potlatch issue.[16]

The prosecutions appear to have come to an end at this time, whether as a result of the investigation, due to the change of government, or for some other reason. One possibility is that Indians were learning how to evade the law and avoid prosecution. Another is that the prosecutors lost interest in view of the cost of prosecutions and because of their conviction that the potlatch was dying out anyway.[17]

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* Franz Boas was an anthropologist who had studied British Columbia Indian life.

However, the section did remain in the Indian Act after the revision of 1927. There was even an attempt by the government in 1936, apparently at the instigation of a novice Indian agent, to make the prohibition more drastic and more enforceable.[18] The member for Comox-Alberni on Vancouver Island, Alan W. Neill, himself a former Indian agent, spoke against the proposal for revision so effectively that the Minister, T.A. Crerar, withdrew it.[19] Nevertheless, the unrevised section did remain in the Indian Act until, in the general revision of 1951, it was omitted.

CHAPTER 10

Enfranchisement

The ultimate goal of Indian policy was enfranchisement. This had been the official position since before Confederation. The legislature of the United Canadas had passed an "Act to encourage the gradual Civilization of the Indian Tribes in this Province".[20] That Act looked towards "the gradual removal of all legal distinctions between [the Indians of the province] and Her Majesty's other Canadian Subjects." Shortly after Confederation, in 1869, an "Act for the gradual enfranchisement of Indians"[21] had been passed to extend the provisions of the Indian legislation of previous years.[22] Enfranchisement was similarly provided for in the first consolidated Indian Act in 1876[23] and, thereafter, in every subsequent revision of the Act.

Despite the longstanding provision for enfranchisement and its importance to the Department as the final goal of all its efforts, few Indians took advantage of it. Scott reported that only 65 families, consisting of 102 persons, had been enfranchised between Confederation and 1918.[24] He considered this number inadequate and blamed some of the requirements imposed by the Indian Act for the failure to achieve more.

The possibility of general and early relinquishment of departmental responsibility for Indians was never even broached before the White Paper of 1969. Enfranchisement was a gradual, controlled process. Prescribed conditions had to be met by each individual seeking enfranchisement. Meighen described those conditions to the House of Commons in 1918 while introducing an amendment to simplify the procedure and facilitate enfranchisement.

> There is nothing obligatory on the Superintendent General. The Indian must not only be willing to surrender his interests and receive his share of the capital funds, but he must make application to be enfranchised; he must have ceased to follow the Indian mode of life, and, most important of all, he must satisfy the Superintendent General that he is self-supporting and fit to be enfranchised. Similar provision was made in the Act heretofore, but it was hedged around by this restraint: that before an Indian could have the privilege of establishing his right to enfranchisement he had to be a landed Indian. That is to say, he had to be in possession of a share of the landed estate of the band. There developed a great number of cases. I have in my hand a long list of Indians who are self-supporting, who follow various lines of life, being druggists, constables, professional singers, actors, missionaries, religious teachers, and so forth, but who, having no landed interest in the reserve, cannot come within the provisions of the Act, and therefore cannot be raised to the status of citizens. This provision is to remove that restraint.[25]

An unsigned memorandum in the Indian Affairs records, probably written by Scott, described some features of this 1918 amendment. It allowed the Department to enfranchise any Indian on application, even one without land on a reserve, providing he was willing to accept his share of the funds of the band and to give up any title to the lands on the reserve. Fear of carving up or losing their reserves altogether had led many bands to refuse their consent to enfranchisement. It was this problem that the amendment was designed to resolve. It was framed with great caution, the memorandum stated, and was still dependent on the consent of the band.[26] Dependence on the band's consent continued to be a hindrance more often than the Department would have liked. This obstacle was a major factor in the introduction of compulsory enfranchisement two years later.

The proposed amendment became section 122A when the Indian Act amendment bill of 1918 was passed.[27] In his annual report, Scott elaborated on the reason for the amendment.

> The need of an amendment such as the above with regard to enfranchisement had been felt for some time. Prior to the passage of this amendment it was necessary for an Indian to be in possession of land on a reserve in order to become enfranchised under the Act. If the applicant did not happen to be in possession of land when his application was submitted he was obliged to secure a location from the council of the band. Among the more progressive bands the lands are all occupied, and there are no common lands from which locations could be given, and the enfranchisement, therefore, of individual Indians without lands was impossible. There are Indians from such bands who earn their living at various industries in towns and cities, and who would be glad to be enfranchised without claiming any land on the reserve whatsoever. These Indians have demonstrated their ability to support themselves and to exercise the rights and privileges of enfranchised persons, and it was, therefore, considered undesirable that their enfranchisement should be longer obstructed.[28]

Two years later, Scott justified the change. He pointed out that, in contrast to the mere 65 Indian families enfranchised in the entire period since Confederation, 97 families, consisting of 258 persons, had been enfranchised in the short period since the 1918 amendment.[29] Each year following, Scott reported the number enfranchised with a cumulative total. The large numbers appeared in the first few years, indicating the likelihood of a backlog as Scott had suggested. By 1925-26, the last year in which the cumulative total was reported, it had reached 1,291.[30] Scott concluded, "The manner in which so many of the Indians have availed themselves of the opportunity to become enfranchised is gratifying and proves that the laws was [sic] needed."[31]

In the same year in which the requirements for enfranchisment were reduced, another suggestion was made. In a memorandum to Meighen, Scott proposed: "The question of enfranchisement of the Indian soldiers should receive serious consideration."[32] This was a proposal for limited compulsory enfranchisement. Scott did not suggest that enfranchisement be offered with the possibility that it might be refused. It was suggested as a reward. "This would be a fitting recognition of their services and would be an object lesson to the other Indians indicating to them that their best interests lie in moving forward and supporting the Government rather than in lagging behind and being indifferent or hostile to the administration of their affairs."

Meighen, however, disagreed. He did not think that Indian soldiers were any more ready for enfranchisement than they had been before enlistment, "nor are they more fitted than many of the progressive Indians whose duty demanded that they remain at home". He did remark that, "The question of enfranchisement of the Indians has been under discussion and consideration for some time."[33]

In his annual report for the year ending March 31, 1919, Scott raised the issue of enfranchisement again, this time proposing compulsion directly and more generally. Compulsory enfranchisement should be adopted, he commented, where it was believed that "the continuance of wardship was no longer in the interests of the public or the Indians."[34] Scott had in mind those Indians who were self-supporting and living as members of the general community but who, nevertheless, refused enfranchisement or whose band denied consent. He also wished to shorten the time of the enfranchisement procedure from six years to a maximum of two years.

An amendment was prepared for the parliamentary session of 1920 and was considered by a special committee of the House. Scott appeared before the committee and left the members in no doubt about the intention behind the amendment.

> It has been stated that the franchise provided for under this Bill is a compulsory franchise, and I have been asked the question whether that is so. I have been asked that question in the hope, apparently, that I would endeavour to conceal that fact, but it is a compulsory system, and I hope the committee will support it.[35]

In his statement to the committee, Scott also tied the specific goals of the amendment to the general objectives of Indian policy as he saw them. "Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill."[36]

Scott seems to have developed and initiated the idea of compulsory enfranchisement independently, although he became aware of draft legislation for a similar purpose that was before the United States House of Representatives at about the same time. He wrote to United States Indian Commissioner Sells, "I find your Act extremely interesting, and have made use of it before the Committee."[37]

Scott also confided to Sells information that indicated his desire to retain control of the content of the legislation.

> The House of Commons appointed a special Committee to consider the Bill, and I have had some difficulty to keep the initiative with the Department; there seems to be a good deal of timidity regarding enfranchising an Indian without his consent. The Committee is considering certain amendments, which do not destroy that feature of the Bill, but increase the importance of inquiry by the appointment of a Board of three, one of whom should be an Indian.[38]

While the House of Commons was considering the amendment bill, F.B. Stacey (MP for Fraser Valley) commented:

> Now, it is not believed by the committee or the department, or indeed by any one, that any wholesale process of enfranchisement will follow the passage of this Bill, or that any arbitrary method of compelling certain Indians to at once assume the duties of citizenship will follow, but it is believed, and very strongly believed, that it is necessary for this department to have and exercise the power of initiative, so that when these people are in a position to assume their proper place in the life of the country, the machinery of the Government shall enable them to do so.[39]

When J.A. Robb (Chateauguay-Huntingdon) enquired whether the Indians throughout the provinces had expressed any desire to become enfranchised, W.A. Boys (Simcoe South), who had chaired the committee, replied that the majority of the Indians who had appeared before the committee were not in favour of compulsory enfranchisement.[40] However, he repeated what Stacey had said, that there was no intention that the provision should lead to wholesale enfranchisement of Indians against their wishes. He pointed out that enfranchisement would take effect two years after the date of the Superintendent General's order, but that Indians could be enfranchised at any time before that date. The desire of the Indian concerned was to be a factor in determining fitness.

Some members of the House were not convinced that compulsory enfranchisement was wise, given that the Indians appeared to be against it. The new leader of the opposition, Mackenzie King, read into the record the statement prepared by the Allied Tribes of British Columbia that had been put before the special committee considering the bill.[41] The Allied Tribes expressed concern that the provision for compulsory enfranchisement would break up the tribes and their reserves and prevent them from pursuing their aboriginal rights claim. They pointed out that the Superintendent General could "forcibly separate from the Tribe by enfranchisement any Indian who takes an independent stand or is active against the autocratic decrees of the Indian Department or its agent."[42] They were disturbed that the bill did not provide for consultation with them or for a method of obtaining their consent.

The fears of the Allied Tribes were not far off the mark. Scott had confided some of his thoughts about the amendment in a memorandum to Meighen. "It would also check the intrigues of smart Indians on the reserves, who are forming organizations to foster these aboriginal feelings, and to thwart the efforts and policy of the Department." He gave the example of F.O. Loft of the Six Nations. "Such a man should be enfranchised."[43] Loft and his League of Indians of Canada opposed compulsory enfranchisement, as did the Six Nations Council and other Indian groups and individuals who made their views known.

In support of the bill, government members argued that many Indians, and even some entire bands, were as capable of full citizenship as anyone else. Their property on a reserve should not be protected from seizure for debt as though they were incompetent. Many of them were doctors, lawyers and teachers. Applying these provisions of the Indian Act to those people was unfair to the rest of the public; at the same time, it hampered the Indians' ability to do business and lowered property values on the reserves. Two reserves adversely affected were said to be Lorette and Moraviantown. Those opposed to the bill were accused of trying to deny liberty to the Indian people.

Mackenzie King defended his position. "We are not objecting in the least to permitting Indians to be enfranchised, if they wish to be enfranchised....What we are objecting to is a policy of coercion -- compelling men to be enfranchised against their will."[44] He told Meighen:

> I should have thought that the Government, before legislating in a matter that affects the fundamental rights of the Indians, would have made an effort to have a thoroughly representative group of Indians present and have them heard before taking any action. If the Government has made no effort to have representative Indians heard in the matter this legislation ought to stand until the Government can obtain their views.[45]

Meighen's reply revealed a good deal about the government's thinking. "The department, through a long series of five decades," he said, "has known the views of the Indians, and it is in touch with them from day to day." He told King that if the government treated wards in the same way as it treated citizens, it would not be dealing with wards at all.[46]

Government members continued to maintain that it was not fair to provide protection against debt collection to an Indian practising law. Meighen referred to a judge of the Superior Court of Quebec "who is exempt from all the laws binding the rest of us in regard to our civil rights and duties".[47]

The opposition thought that situations of that kind could be remedied by amending the Indian Act specifically for that purpose. They did not approve of trying to do so indirectly through compulsory enfranchisement when those Indians and Indian associations who had appeared before the committee were almost unanimously opposed to the proposal. Ernest Lapointe (Quebec East) also pointed out that although the committee had been harmonious in dealing with the amendment bill, that part of it concerning compulsory enfranchisement had been carried by a strictly partisan majority. All the government members of the committee had voted for it, and all the opposition members had voted against.

As a result of the government's refusal to remove compulsory enfranchisement from the bill, the opposition voted against it in the House of Commons. Nevertheless, the bill passed, and compulsory enfranchisement became a feature of the Indian Act.[48] Paragraph (h) of section 2, and sections 107 to 123 of the existing Act were repealed, and the new sections 107 to 111 were put in their place. The Superintendent General was given authority to appoint a board consisting of two members of the Department and a member of the relevant band "to make enquiry and report as to the fitness of any Indian or Indians to be enfranchised."[49] On the Superintendent General's recommendation, the Governor in Council was empowered to enfranchise any Indian, male or female, over the age of twenty-one.

The same amendment act that contained compulsory enfranchisement also included a section making band consent unnecessary before an Indian woman marrying a non-Indian was given her share of the band funds. "The Amendment makes in the same direction as the proposed Enfranchisement clauses, that is it takes away the power from unprogressive bands of preventing their members from advancing to full citizenship."[50]

Scott was pleased with the amendment, which went through Parliament at the same time as the bill to accept the McKenna-McBride report in British Columbia. "Both our Bills went through the Senate yesterday without much discussion," he told Boys in a letter of thanks for his role as chairman of the special committee, "and I am gratified that we have got some progressive legislation at last."[51]

The amendment does not appear to have had any practical application. Ten months after it was passed, Ernest Lapointe asked in the House what had been done under the new law. He received the answer that no action had been taken and no officials had been appointed for the work.[52]

By June 1922, the Liberals were in office. The new Superintendent General, Charles Stewart, informed the House that, to the best of his knowledge, no Indian had been enfranchised compulsorily. He credited this to Indian opposition and said that he favoured encouraging Indians to enfranchise over using coercion.[53] Accordingly, he put forward an amendment to section 107 of the Indian Act to remove the compulsory element. The board provided for in the amendment of 1920 remained, but it came into being and acted only at the request of a band or of an Indian wishing to be enfranchised. This amendment became law on June 28, 1922.[54]

In 1933, after the Conservatives had returned to power, compulsory enfranchisement was once more re-inserted in the Indian Act. Much the same ground was gone over in the House of Commons as in the 1920 debates. Once again, Indian groups opposed the measure. In the face of opposition arguments that the amendment gave too much arbitrary power to the government, one change was made to the proposed amendment. Instead of two departmental officials on the board, there would be only one official. The other position would be filled by a superior or county court judge.[55] Compulsory enfranchisement remained in the Act until 1951, but it is doubtful that it was ever used.

CHAPTER 11

Indian Band Government

Indian nations had originally had their own political structures. This was recognized in the report of the Special Committee of the House of Commons on Indian Self-Government.

> Particularly relevant to this report on Indian self-government is the view held by non-Indians that political structures were unknown to Indian people prior to contact with Europeans. Contrary to this view, most First Nations have complex forms of government that go far back into history and have evolved over time. They often operated in accord with spiritual values, because religion was not separated from other aspects of First Nation life. Indian nations did not generally have written consitutions, but, like England, conducted their affairs on the basis of traditions modified with pragmatic innovations.[56]

The Europeans originally dealt with Indian nations through their respective political structures. However, the changes in the Indians' situation and way of life, brought about by the advent of Europeans, produced political changes within the Indian communities. From self-governing nations, Indians became groups of people within a new political structure, under which they were not full citizens.

For some purposes (criminal conduct for example), Indians were treated as individuals. For most purposes of government, however, the authorities dealt with whole communities. For this reason, government required some Indian political structure to which it could relate. The Indian Department had always insisted on dealing with chiefs who could sign treaties and otherwise speak and act on behalf of a tribe or a band. If no leaders emerged, the government's treaty commissioner instructed the Indians to appoint spokesmen who could represent the bands and sign treaties on their behalf.

Settled bands were encouraged to adopt a system of chiefs and band councils through whom the Department could administer the band's affairs under the Indian Act. The Act permitted these councils minor responsibilities in local matters. Since elective institutions were held to be the foundation for democratic and progressive public life for any community, the Indian Department strove towards this goal. It adopted a policy of gradually replacing any elements of traditional systems that still existed with elected chiefs and councils.

> The department's policy has, therefore, been gradually to do away with the hereditary and introduce an elective system, so making (as far as circumstances permit) these chiefs and councillors occupy the position in a band which a municipal council does in a white community.[57]

The 1869 Act for the gradual enfranchisement of Indians had made provision for a form of elective band government through the election of chiefs.[58] This kind of provision was incorporated into the consolidated Indian Act of 1876. Although frequently amended, provision for elective band government has continued to have a permanent place in the Indian Act.

In 1884 the Indian Advancement Act was passed for the benefit of the "more advanced bands". It provided for the election of six councillors who, in turn, would elect a chief "who shall be what would be called a reeve among the white communities in Ontario."[59] The term of office under this Act was one year rather than the three-year term of the Indian Act. In 1906, the Indian Advancement Act was consolidated into the Indian Act as Part II. Hence, during the inter-war years, while the Revised Statutes of 1906 and of 1927 were in force, both the one-year and the three-year elective systems were available to bands.

The analogy drawn by Macdonald and by a later Deputy Superintendent General of Indian Affairs, comparing chiefs and band councils to reeves and municipal councils suggests that Hawthorn et al were on the right track in stating:

> Apparently it was assumed that the model of the European or Canadian village with its elected local government, majority rule, a body of citizens identifying strongly with the community, and so on, would be adopted by the Indians and that the creation of band councils would pave the way to this adoption.[60]

However, there seemed to be little eagerness to adopt either of the available systems.

> The election provisions of the Indian Act itself were only marginally successful during the initial phase of introduction. Though a few Indian bands, such as the Golden Lake band in Ontario and the Cowessess band in the West, adopted the three-year elective system, most of the bands were apathetic. This led to a certain amount of exasperation within the Department and resulted in the blanket application of the provisions to the Eastern bands in 1895 and 1899.[61]

The Indian Advancement Act (Part II of the Indian Act) seemed to be equally unpopular.

> Certainly, after the turn of the century, neither the Indian people nor the Department took any initiative with regard to the Advancement Act. Indeed, during the remainder of its existence, it was applied only once, to the Six Nations of Brantford in 1924.[62]

On the Six Nations Reserve near Brantford, Ontario there was a factional dispute between those who wished to retain the traditional form of government and those who favoured replacing it with an elective system as provided under the Indian Act. As early as 1894 some members of this band had petitioned the Department for an elected council. Since it was obvious that a split existed on the reserve, the Department did not intervene directly. In 1913, J.D. McLean explained the Department's position.

> The stand taken by the Department for some years has been that of strict neutrality on the question, as it has been the cause of very bitter feeling between the opposing factions, and those in favour of the present system, after having made appeals to His Excellency the Governor General and to His Majesty the King, have been assured that no change will be made unless the Department should first be assured that such change is desired by the majority, and that it will be in the interest of all.[63]

Shimony states that there had long been a struggle between the hereditary or 'peace' chiefs and the 'warriors'. After the Great War, the latter faction included many returned men. Each faction tried to influence the population. Accusations were made on each side, and community activities were disrupted. "The Chiefs also felt the pressure and had tried to consolidate their position by obligating as many people as possible and administering the Reserve in favor of those who made application to them....After some time, charges of bribery became common, and it was alleged that only by a payment to the chiefs could any action by terminated favourably."[64]

A special committee of the House of Commons sat in 1920 to consider the Indian Act amendment bill. It heard counsel "who appeared for the Six Nations Indians". The committee's report contained the following recommendation:

> That in the opinion of your committee the administration of the affairs of an Indian community or band by an hereditary council may be detrimental to the best interests and progress of such Indians, and your committee would therefore recommend that wherever such a system exists the Government should ascertain whether the majority of the male members of the band of the full age of twenty-one years, are in favour of the adoption of an elective system of councillors, and if so, that the provisions of the Indian Act in this regard should be put into operation as soon as possible.[65]

Two years later, a dispute arose on the Six Nations Reserve over the allotment of land granted to a band member named Hill under the Soldier Settlement Act. The traditional council of the band had been opposed to band participation in the Great War and was consequently opposed to any of the reserve lands being allotted for purposes of soldier settlement. The council used force to prevent Hill from taking possession of the land, despite a court order in his favour.[66]

The general position of the traditional council and its supporters was that the Iroquois of the Six Nations were allies of the British, not subjects. Hence they were not subject to Canadian laws, including the Indian Act, within the boundaries of their reserve.[67]

Charles Stewart, Superintendent General of Indian Affairs, described why the government decided to intervene at this time.

> Until the present year [1924] the Six Nations Indians, who are located at Ohsweken, Brant County, Ontario, had from time immemorial selected their chiefs and councillors by an ancient hereditary system in which the voting power lay with the women of the different tribes and clans. It had been for some years obvious that this obsolete system was wholly unsuited to modern conditions of life and detrimental to progress and advancement. There has unfortunately developed, moreover, during the past few years a retrogressive and obstructive agitation on the reserve which has so impeded progressive administration that it was felt that an improvement in their political system must be effected without delay.[68]

In March 1923, a royal commission under the direction of Andrew F. Thompson, K.C. was appointed to investigate the situation. Thompson was no doubt describing the Hill incident when he recounted the following story.

> The matter came to a head some months ago when two constables of the county of Brant proceeded to enforce a warrant of ejectment. A number of armed Indians gathered and resisted their efforts, finally driving them away under threats of violence. The Government then sent a detachment of the Royal Canadian Mounted Police, who carried out the process, and who have ever since patrolled the reserve, and enforced the law's decrees.[69]

Thompson described the traditional means of selecting a band government insofar as he understood it. He explained that the procedure was founded on custom transmitted by word of mouth and that it had not been possible therefore to understand it completely and accurately. "It follows that a comparatively small number of old women have the selection of those who are entrusted with the transaction of the business of the Six Nations Indians, while the vast majority of the people have nothing whatever to say in the choice of their public servants."[70]

Thompson offered an explanation for the fierce adherence of the traditional Six Nations faction to their system. They were highly conscious, he said, of the preponderant position of the Iroquois in North America before Europeans assumed dominance. Their pride in the past motivated them to cling to the form of government that had served them in their days of glory.

However, Thompson recommended a change. "I am convinced that those advocating a change in the system of government have fully established their contention, and that an elective system should be inaugurated at the earliest possible date."[71]

Thompson believed that the better educated and more progressive Indians "in whom the hope of the future lies", were anxious for a democratic form of government. Their objections to the existing council, as presented by Thompson, were its undemocratic nature, its large size, the quality of the councillors selected by the system, and its great expense.

Thompson recognized that his recommendations represented radical change because of both the method of election and the proposed reduction in the size of the council from sixty to fourteen. As well, he might have mentioned that those women who had had at least a nominal right of selection under the traditional system would not even have a vote under the Indian Act system of band government.

Shimony pointed out that because the faction counselling non-recognition of the government was in power in the council,* the council had refused to give the royal commission its side of the argument.[72] The views heard by the commission tended to favour the opposite party.

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* Both major factions were further fragmented by internal disputes.

The government accepted Thompson's recommendation. An order in council of September 17, 1924 replaced the traditional band government of the Six Nations by an elective system under Part II of the Indian Act. This was followed by an election on October 21, 1924. The change was not made without oppostion, however. The Mounted Police were called in to lock the traditional chiefs out of the council house.[73]

> The chiefs bitterly resented being locked out of their own council house, as well as the interference of the Mounted Police, against whom they were powerless. But most bitterly of all, the chiefs resented the action of the 'warrior' group, which gave the Canadian government an excuse to depose the chiefs with the sanction of at least part of the population. Even today there is strong animosity toward this group on the part of those who are in favor of the hereditary council, and they are variously termed 'traitors', 'dehorners' (because they wished to 'take the horns of office', which symbolizes a chief, from the crown of the chief), and 'loyalists' (because they were loyal to the Canadian government).[74]

Stewart described the application of the Indian Act to local band government on the Six Nations Reserve as an action that would give them a measure of local autonomy similar to that of a rural municipality but subject to the supervision of the Department.[75]

In spite of a marked lack of success in promoting the adoption of elective band government during the inter-war period, the provisions for it (Indian Act of 1906, Parts I and II) remained the same, with the exception of minor amendments in 1934 and 1936. "These amendments were the last to be made to the election provisions of the Indian Act, prior to its revision in 1951."[76]

Following the 1951 revision, however, there was flurry of activity.

> Indication that change within the polity of Indian bands had occurred by 1951, is illustrated by the fact that within two years of the enactment of the revised election provisions, some 263 bands had adopted the elective system. By 1971, this figure had risen to 384 bands, which meant that over 71% of the Indian bands were using the elective process.[77]

This activity contrasts with the inactivity in this area during the inter-war years. Apart from the dramatic events that occurred on the Six Nations Reserve, the main activity towards elective band government during the inter-war years seems to have been the gradual working out of the system on those reserves where it had been applied.

> No matter how imperfectly the election provisions were utilized, however, the fact that they existed led imperceptably to the political acculturation of the Indian people. As the older generation passed on, the three-year elective system provided a basis for political activity for the new generations, acclimatized to life under the new conditions.[78]

CHAPTER 12

Indian Political Associations: The Department's Response

It is beyond the scope of this paper to attempt a comprehensive history of Indian political associations. In part, this has been done elsewhere.[79] It is, however, necessary to provide an outline of the most prominent organizational activity during the period in order to examine the response of the Department of Indian Affairs to the relatively novel phenomenon of twentieth-century Indian political associations.

The Indian nations of Canada had formed political associations for centuries.[80] Through these associations they became involved in rivalry and warfare with each other and with the European powers competing for hegemony in North America. This situation continued during and after the American Revolution. After the War of 1812, this form of national Indian political association ceased to have much practical importance. By the time of Confederation, when a few Indians began once again to form political associations, their purpose was usually to represent their interests and grievances to the governments that had been established in British North America and that increasingly directed or supervised Indian affairs.

The earliest of the new type of Indian political association was the Grand General Indian Council of Ontario and Quebec founded in 1870, chiefly by some Iroquois and Ojibwa bands. By 1919, it had become a regional association within Ontario. It was "in effect disbanded in 1936 because of a departmental decision to disallow the payment of convention delegates' expenses from band funds."[81] Its membership reached a high point in 1926, when 26 Ontario bands were represented, mostly the Ojibwa bands from around Georgian Bay but also the Moravians of the Thames and the Pottawatomies of Walpole Island.[82]

Indian political associations also flourished early in British Columbia.

> By the turn of the century Indian protest groups concerned with the land question, or aboriginal rights more generally, were becoming less sporadic in nature and more able to survive for months if not years. The Nishga Land Committee, composed of the hereditary chiefs from each Nishga village, emerged at this time to press the Nishga land claim. It was apparently the first lasting Indian political organization in the province and it definitely was the first one of substance.[83]

By 1916, several movements had coalesced into the Allied Tribes of British Columbia in order to further the aboriginal rights claim. This organization collapsed after the joint parliamentary committee rejected its claim in 1927. The collapse was not permanent, however.

> The Indians who acted as spokesmen for the protest did not forget the issue, even after the government rejected the Nishga Petition and the Allied Tribes' land claims in 1927, and twenty years later in the late 1940s the land question was raised again, along with other grievances, by some of the same individuals, as well as by another generation becoming even more skillful in the techniques of protest. The granting of the vote to Indians in British Columbia permitted the protest to be carried into the Legislative Assembly and gave it a wider audience. In the 1960s the protest was renewed under the leadership of a Nishga Indian who is the only Indian in the provincial legislature of British Columbia, Frank

> Calder. In British Columbia the land protest can be documented as a continuing concern of the Indians over a period beginning at least as early as 1850 some one hundred and twenty years. The protest as a movement can also be demonstrated to have a high degree of continuity in personalities and organization over much of this time.[84]

In 1931, in the midst of the Great Depression, the Native Brotherhood of British Columbia was founded at a time when the loss of employment in fishing and the canneries had hit the coastal fishermen very hard. They attempted to defend themselves through collective action.[85]

> The Brotherhood began as a northern coastal Indian organization but eventually expanded its operations to include the Indians of the southern coast....The Brotherhood concerned itself with such issues as education, health care, pensions, enfranchisement and, in particular, the imposition in 1942 of the federal income tax on Indian commercial fishermen.[86]

Having played an early role in organizing British Columbia Indians, the Brotherhood has maintained its existence to the present.[87]

Growing directly out of the idealism of the Great War period -- and dependent largely upon the enthusiasm and effort of a returned army officer of the Six Nations Band -- was a remarkable attempt to build a national organization. F.O. Loft was undoubtedly a man born before his time. His resources were insufficient to sustain and enlarge the organization he envisaged. He was nearly sixty when he began and he had to maintain full-time employment to support his family. In any case, one person could not have done all that was required.

From his home in Toronto, Loft sent out circular letters to chiefs of bands or to any suitable contact person whose name he could obtain. In this way he quickly built up a following that challenged the older, more conservative Grand General Indian Council of Ontario. The first convention of Loft's League of Indians of Canada was held at Sault Ste. Marie, Ontario in September 1919. Following the conference, Loft sent a letter to Indian leaders in Quebec, Ontario and the prairie provinces. The following year, the first western meeting was held at Elphinstone, Manitoba, and in 1921 the conference was held in Saskatchewan. At the 1922 conference, held at the Samson Reserve in Hobbema, Alberta, over 1,500 Blackfoot, Stoney, Cree and Assiniboine delegates attended, most of them from western Canada.[88]

When the League ceased to function in Ontario around 1924,[89] the western branch carried on under such leaders as Edward Ahenakew. "At its meeting in 1931, for instance, resolutions were passed calling for on-reserve education; extra rations for the elderly; a moratorium on land surrenders; preservation of fishing and trapping rights; and the development of economic assistance programmes to individuals and bands."[90]

In 1939, the Alberta wing of the League became the Indian Association of Alberta. Although the Saskatchewan wing went out of existence in 1942, a new organization was formed in 1946 while the experience gained from League activities was still fresh.

No Ontario leader emerged to replace Loft when he had to withdraw in 1924 because of his wife's ill health. In Ontario, particularly, the League had depended very much on Loft's personal effort.

> No constitution has been found for the League of Indians of Canada and it is possible that there never was one....Ideally the League consisted of a national president and co-ordinator -- Loft -- and autonomous provincial organizations supported by the various bands. Dues were to be five dollars a year plus five cents per band member....As it turned out, the provincial bodies quickly lapsed into inactivity until a revival in Alberta and Saskatchewan in the late 1920s. In the meantime the League possessed little more than a scattered group of members, no infrastructure other than Loft's pen and no support other than what may have haphazardly been sent in by isolated individuals.[91]

Luegar wrote that Loft was never able "to establish a direct and responsible link between Indian people and the Government of Canada".[92] Nevertheless, he did create an awareness among Indians of the possibilties of associations, particularly in western Canada.

Further east, there was even less Indian political organization at this time.

> The history of Indian protest in the Atlantic provinces is scanty, and aside from petitions and complaints from various bands there seems to have been little that happened relevant to our problem before the 1960s. A sort of Indian association had existed among the Micmacs and other eastern tribes since the 18th century, the Wabnaki Confederacy, but in the 20th century the only vestige was a loose association of Cape Breton bands. In 1936 Chief Ben Christmas of Sydney led a small delegation to the last convention of the Grand General Indian Council of Ontario and in 1944 he founded the Grand General Indian Council of Cape Breton to deal with the Centralization Policy.[93]

The Department of Indian Affairs in 1918 was not accustomed to dealing with Indian political associations. It sometimes did business with individual Indians and, more commonly, with bands. The Department had encouraged the acceptance of band government for community administration within the narrow range of matters assigned to band councils in the Indian Act. However, band government was a creature of the Indian Act, and a band council's actions were subject to the Indian Superintendent, acting as the agent of the Department.

Indian political associations were something different. Where they developed, they did so in response to Indian needs rather than those of the government. They were not under the control of the Department.* They also tended to group Indians in units larger than the band. Some claimed national, or even international, significance in their titles. Moreover, political associations and those who were active in them often came into direct conflict with official policy.

The British Columbia land question (see Chapter 6) has already afforded an opportunity to observe something of the attitude of the Department of Indian Affairs towards the Allied Tribes of British Columbia and those who were prominent in that association. Two points were noted in that instance that will also be evident in the official attitude towards other Indian associations and leaders. First, there was great concern over the nature and legitimacy of representation.

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* In the case of the Grand General Indian Council of Ontario, the Department exercised an informal control that was very effective, as will become apparent later in this chapter.

Second, leaders and advisers, whether Indian or not, were normally regarded as agitators and self-seeking charlatans if they opposed the Department in any way.

It is through the Indian Department's reaction to the Grand General Indian Council on one hand and to Loft's League of Indians of Canada on the other, that its attitude towards Indian political associations in Scott's time can best be observed. The departmental attitude and that of Scott personally seem to be synonymous during his tenure.

The Grand General Indian Council of Ontario largely escaped the wrath of officialdom. Luegar says that this was "probably because of its traditional standing and its innocuous role".[94] Certainly, the Department had learned to live with this organization by 1918. Indian agents were involved in organizaing the meetings and getting permission to spend band funds to pay delegates' expenses.[95] Resolutions were sent to Ottawa, but Scott merely read them and sent a reply, refusing any proposition not in accordance with his own ideas.[96]

Most notable in the departmental (which is to say, Scott's) attitude towards Indian associations was an almost complete absence of any positive approach. Although Scott complained of the difficulty of getting Indian opinions on issues affecting them, he did not regard the associations of his day as any kind of solution to that problem. His acceptance of the Grand General Indian Council of Ontario was more pragmatic than positive. The Council pre-dated his time in office and, in any case, it caused no real trouble. He showed no willingness, however, to listen to what the Council had to say when it did not echo his own ideas or to use it as a channel of communication and understanding. Rather than explore contrary suggestions through the Council, he simply dismissed them.

He certainly preferred the Council, which he could control, to members of Parliament, who had more independent power and influence. When the Council recommended that a permanent committee of the House of Commons be established to oversee Indian affairs, Scott replied that the Council could be very useful in making suggestions for the betterment of the Indians. "The recommendations of this organization --which will be helpful to the Indian Department and will be given due consideration--might better serve the interests of the Indians than a Committee of Parliament, as suggested."[97]

There is no evidence that Scott ever paid any more attention to the Council's recommendations than he did to this one or to those made in the past. He had already turned down a Council request to become more of an official channel of communication. The Council's advisory board had earlier attempted to enhance the status of their organization.

> Will the Indian Department recognize the Grand General Indian Council of Ontario as a Medium or Channel through which the Indians of Ontario 'as a body' may be heard in regard to the proposed Amendments to the Indian Act, and as channel through which the Indian Department may obtain a clear view of the needs and requirements for hastening of the developments of the Indian Race--providing that majority of the various Reserves, in Ontario are represented in this Council.[98]

McLean sent a non-committal reply. "I am directed to acknowledge the receipt of your letter, without date, and to state that this Department will be glad to co-operate as far as possible with the

Grand Indian Council, and any suggestions made by that body will be carefully considered."[99]

The Council had no doubt learned, through Loft's distribution of a circular, of his attempt to form the League of Indians of Canada and were prompted by this challenge to gain exclusive departmental recognition for their organization. The Department had received a copy of Loft's circular through the Indian agent at Sturgeon Falls, Ontario (in Council territory), but seemed undisturbed. McLean told the agent in reply: "If the Indians wish to form such league the Department has no desire to interpose any objection."[100]

At this early stage, Loft does not seem to have been regarded with the same fear and antipathy that soon animated all of Scott's dealings with the man. Indeed, one agent seemed relieved that the new activity was inspired by Loft rather than an old enemy. Informing the Department that he understood Loft to be at the head of the new movement, W.C. VanLoon wrote from Hagersville, "[I]f so it might be for the best. I am told that Chief Thunderwater had nothing to do with it."[101]

Thunderwater was believed to be a white American, although he represented himself as an Indian. Loft was an Indian, a Canadian, and a returned officer of the Canadian Army. His objectives were straightforward and open. Nevertheless, he too was soon regarded by Scott in the same light as Thunderwater and the other 'agitators' who had not yet found an approved role in the direction of Indian affairs in Canada.

At first the departmental officials, both at headquarters and in the field, were unsure of Loft's movement. They even confused it with the quasi-official Grand General Indian Council. The Department paid a delegate's expenses to Loft's first convention in Sault Ste. Marie, Ontario, in September 1919, under the impression that this was a meeting of the "regular Grand Council". A departmental letter to the Indian agent at Manitowaning requested the return of the expense cheque if it had not yet been cashed.[102] The agent at Sarnia was more cautious after two local delegates to the League's convention had accused the government of defrauding the Indians and breaking treaties. "I am sending account and vouchers but have no recommendations regarding payment to make as I feel that after reading report of delegates the Department may not recognize Grand Council of this nature."[103]

Scott did not like charges of that kind, nor would he have been pleased with a reference in Loft's circular letter of November 26, 1919 to the need for Indians to "free themselves from the domination of officialdom". Now that Loft's views had become known, the Department's attitude hardened.

Loft wrote to local Indian agents asking for the names of "educated Indians" with whom he could correspond in organizing the League. He does not appear to have seen anything incongruous in doing this. His sense of innocence was no longer matched in the Department. The agent at Duck Lake, Saskatchewan informed Ottawa of the request and asked for instructions. McLean informed him that it was "not considered desirable" for him to give Loft the information.[104]

Loft attempted to deal personally with every sort of complaint received from bands or individual Indians from all over the country. A steady barrage of letters left his pen on their way to ministers of the Crown or departmental officials. Scott refused to recognize Loft as a channel for grievances. When asked by Graham in Regina, he instructed the western commissioner not to reply to Loft but to send his letters to Ottawa. He then had McLean send Loft a curt reply.

> As you were advised in my letter of the 19th instant the matters referred to are being dealt with by the Department, and I am to state that the Department is unable to recognize you as the channel of communication demanding information in regard to the Department's Administration of the affairs of the bands referred to. I may say, however, that the Department is at all times willing so far as it can, to furnish you with any information affecting yourself as a member of the Six Nations Band.[105]

When one of his circulars came to the attention of a constable in Alberta, Loft became the subject of a Mounted Police investigation. The Mounted Police kept Scott informed of the investigation as it proceeded. Nothing came of it, yet police surveillance of League meetings became almost routine. Informed of the planned League meeting at Elphinstone, Manitoba, in June 1920, Scott ordered local departmental officials to attend. On other occasions Scott requested the presence of Mounted Policemen at Loft's meetings, as well as officials of his own Department.[106]

As early as October 1920, Scott wrote to ask the agent at Six Nations about Loft's enfranchisement "in order that the question may be considered".[107] Compulsory enfranchisement had just received statutory authority. Loft had opposed it through the League. Now Scott was adding it to his arsenal of weapons against Loft and the League. One of the reasons Scott gave to the Superintendent General, Sir James Lougheed, for Loft's enfranchisement was "his military career as an officer in the Canadian Expeditionary Forces". Yet three days later, in a memorandum to the same minister, Scott wrote, "He volunteered for the war and looked very well in a uniform, but he was cunning enough to evade any active service, and I do not think his record in that regard is a very good one."[108] Scott had a copy of some information on Loft's military record that had been obtained by the Mounted Police. He failed to tell Lougheed that, according to that record, Loft had been forty-two years of age in 1914.*

Shortly after the new Superintendent General, Charles Stewart, had taken office, Scott had occasion to write to him about Loft and the League.

> Mr. Loft is physically a good specimen of an Indian, but he is gifted with a smooth tongue, and a couple of years ago, being incited by the example of other Indian agitators, he set out to organize a society for the supposed benefit of the Indians of Canada. The collection of the fees is to my mind the important part of his function.[109]

Scott's attacks upon Loft were invariably personal and vindictive. There is no evidence that Loft ever retaliated in kind. Luegar came to this conclusion in his description of Loft's methods.

> The tactic by which Loft proposed to implement [his] program was direct appeal and negotiation with Parliament, and he felt that the Grand General Indian Council of Ontario was a lesson in the futility of dealing only with the Department of Indian Affairs. Loft often criticized the Department for its arbitrary and high-handed attitude but he always refrained from attacking individual officers. The real target, he maintained, was the legislative body that had given the

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* In fact, Loft had lied about his age in order to enlist. He had really been fifty-four in 1914 and fifty-seven when he was sent overseas!

> excessive power to the Department in the first place. Loft therefore stated his beliefs to the Government whenever possible but he understood that the best influence on the Government was public opinion. Loft was the first Indian leader to successfully use public relations as a means of promoting his cause to a broad audience.[110]

Scott must have been furious about Loft's persistent interference in matters of departmental concern, about the meetings he organized among the Indians, and about the publicity Loft was receiving in the newspapers. While none of this excuses the personal nature of Scott's attacks upon Loft, and certainly not their unfairness and severity, Scott was certainly correct in identifying the target. Loft was the driving force behind the League, which did not survive his withdrawal.

Scott simply refused to recognize Loft or the League as having any legitimacy whatever. He preferred to recognize the Grand General Indian Council of Ontario whose dealings with him were more deferential. He told Henry Jackson, president of the Council, that Loft had no credentials from any source as a representative of any group of Indians in Canada. "As to the Grand Council, the Department of Indian Affairs has always recognized it and we have always been pleased to receive and consider suggestions made by that body in the interests of the Indians, whom they represent."[111]

Part of the explanation of his absolute denial of Loft and the League was no doubt Scott's own personality, accustomed as he was to virtually unquestioned authority over the Indian Department. In addition, his attitude was encouraged by the general atmosphere of the time with regard to protest. Labour unions were regarded as subversive organizations. Moreover, the Bolshevik revolution in Russia in 1917 had frightened governing authorities throughout the world. Canada, along with other war allies, had sent armed forces to Russia to try to suppress the Reds. The Winnipeg General Strike of 1919 suggested to many in authority that Canada was not immune to the plague that they feared was undermining society.

On the other hand, the Great War and the formation of the League of Nations had inspired a great deal of rhetoric and idealism concerning the nature of government and society. Many who absorbed these ideas, particularly those who had laid their lives on the line to defend them, marked a contrast between the ideals expressed in the rhetoric and the reality of the political and economic structure of the society they lived in. Nevertheless, the authorities feared that criticism of this kind would lead to revolution as had already occurred in Russia. Consequently, anyone attempting to organize protest of any sort was usually branded a Bolshevik. An Indian agent used the term in writing to Scott about an Indian returned soldier who was taking up Loft's cause on the James Smith Reserve in Saskatchewan.[112]

Scott's reponse to the Indian political associations of the 1920s, while indicative of the narrow, autocratic and vindictive character of the man, was consistent with the intellectual and political context of his time. It was also a continuation of the longstanding concern in the Department and among politicians over advisers to Indians on grievances against the government.

In 1903, during the early days of the Chippewa and Mississauga claims, the two bands appointed G. Mills McClurg and W.H. Hunter, both of Toronto, as their agent and solicitor respectively.

> The involvement of such agents and solicitors was not welcomed by officials of the Department of Indian Affairs. When the local Indian Agent reported that Hunter had been holding meetings, informing the Indians that they would win their case, and soliciting funds, and that the bands had directed that $130 be taken from their band accounts for the case, Deputy Superintendent General Frank Pedley instructed him not to permit any such expenditure and to put a stop to the meetings if they were being held on the reserves. When McClurg submitted the powers of attorney which included a provision to pay all of Hunter's fees and expenses out of band funds or the proceeds of a settlement, and to pay to McClurg ten per cent of the proceeds of any settlement, he was advised by Pedley that 'the Department cannot admit in any way that the Indians have the right of themselves by even a unanimous vote without the consent of the Crown to dispose of either personalty or the proceeds of realty'. When Superintendent General Clifford Sifton returned in November from an official trip overseas he informed his Deputy that 'Indian bands cannot be permitted to employ counsel upon terms not approved by the Department, and in cases in which the Department does not regard it as necessary that counsel should be employed.'[113]

Another issue arose later in Alberta. Arthur Meighen had been the target of a vicious attack by R.N. Wilson on the subject of Greater Production and related issues on the Blood Reserve.[114] Meighen told the House of Commons shortly afterwards that the "agitator" and the "charlatan" were reaping a ready harvest among the Indians. He referred to the Six Nations and Blood bands, remarking with regard to the Wilson charges: "[T]here was no doubt left in my mind at all that it was mainly the result of agitation -- agitation, I am afraid I must say, on the part of those who seek to gain something for themselves. The British Columbia Indians have been subject to this perhaps more than any other body of Indians". Meighen promised his support to the government "in a policy of firmness in this matter".[115]

Two years later, Meighen asked the Minister of the Interior, Charles Stewart, "What is the trouble in British Columbia?" Stewart listed several Indian grievances but followed with: "[T]he bigger question that is raised by the friends of the British Columbia Indians themselves is the claim to the original title to the whole area known as British Columbia." Meighen replied, "That is the agitation, if I recall it correctly, headed by the Rev. Mr. O'Meara."[116] O'Meara had frequently roused the ire of departmental officials and politicians alike.

Later in the exchange, Stewart told the House:

> We have been trying to adjust matters and to get the Indians to agree to the settlement, but I am bound to admit that some of their friends have given them bad advice. That has been the chief difficulty; were it not for the class of advice they have got I believe we could have a settlement of the matter in the near future.[117]

When bands or larger groupings of Indians had been represented or aided by legal counsel or other non-Indian supporters, these people had always tended to be regarded as agitators and trouble-makers. Often their motives were assumed to be purely self-serving without any apparent evidence to support the view except that the lawyers usually hoped to be paid for their work and funds often had to be raised from the Indian people concerned to further their cause. This departmental attitude was even extended to Indians like Loft who attempted to help their own people.

No real distinction was drawn between these individuals and strangers of questionable motivation who sometimes came up from the

United States to found a movement or head a protest and who collected money for the purpose. These people became the ostensible reason for taking action against fund-raising in general.

> On 11 April 1924 Deputy Superintendent-General Scott asked Deputy Minister of Justice E.L. Newcombe for his opinion on adding a clause to the Act to prevent 'lawyers' and 'agitators' from collecting money from Indians to prosecute claims against Government without first obtaining the Justice Minister's consent. This concern arose over some American lawyers who had solicited funds from the Oneida, St. Regis, Oka and Lorette Reserves to present a claim against the State of New York for lands 'which formerly belonged to the Iroquois Confederacy'. Subsequently, section 149A was added to the Act on 31 March 1927 empowering the Superintendent-General to impose penalties for soliciting funds from Indians without his written consent.[118]

When Charles Stewart introduced this amendment, he justified it by referring to British Columbia.[119] His remarks were made only a few weeks before the joint parliamentary committee met on the British Columbia land question, where the Indians were represented by O'Meara. Stewart sat on that committee. Whatever influence O'Meara and the British Columbia land question had on the originators and parliamentary supporters of the amendment, Scott took an early opportunity to send a copy to O'Meara with the comment, "Clause No. 6 [section 149A] of these amendments will, no doubt, interest you, and I think it proper to say that all persons who violate the terms of this Act will be prosecuted."[120]

This amendment became section 141 of the Indian Act, Chapter 98 of the Revised Statutes of 1927 and remained in the Act until the next general revision in 1951.[121] Douglas Sanders and Beth Van Dyke credited section 141, along with the decision of the joint committee that same year, with the destruction of the Allied Tribes of British Columbia.[122] Richard Daniel commented, "For almost a quarter of a century, no band or organization would be able to solicit funds from Indians to support their work on a claim without first convincing the Superintendent General of the merits of doing so."[123]

In 1922 McLean had told the Indian agent at Maniwaki, Quebec to warn the people there that it was not in their interests to encourage any Indian of another reserve to come among them for the purpose of turning them against the government. "If you find that such an one uses seditious language it might be advisable to lay an information against him before a magistrate."[124]

After the enactment of section 141, it was no longer necessary to prove that seditious language had been used. The collection or solicitation of money to support an organized grievance or an organization for representing Indian grievances was in itself an offence. This new weapon may have had a restraining effect on Indian organizational activity, but it did not stop Loft's endeavours, nor does it appear to have been used very often. Scott considered using it against Loft when the latter circulated a written request for money in 1931. However, the cost of bringing witnesses from Indian reserves in western Canada inhibited any action. Meanwhile, Scott had the Mounted Police search for evidence closer to Toronto. In fact, the police conducted an extensive search throughout much of Canada. Despite the fact that they found a copy of the offending circular on the Sarnia Reserve, Loft does not appear to have been prosecuted.[125] By this time Loft had nearly finished his work. He never was arrested or enfranchised, despite motions made in both directions.

At least one arrest was made under this section, although prosecution was discontinued because the evidence was more than six months old. In 1931, Clinton Rickard, described by Scott as an American Indian, was arrested for soliciting funds from Indians at Barrière Post, north of Maniwaki. A Toronto medical doctor wrote to Prime Minister Bennett complaining about this incident and about the general principle involved in section 141. As a result, Scott was asked to investigate.

In his memorandum to Bennett, Scott explained that the Department had received a complaint from the chief of the Barrière Band and that band members had contributed five hundred dollars to Rickard and were being asked to make further contributions.

> With reference to the general question of the criticism made by Dr. Cotton concerning Section 141 of the Indian Act, I may say that this section was passed in order to protect the Indians, particularly those of the more primitive type such as are found at Barriere from exploitation from unscrupulous persons. As you are aware, Indians as a rule have not very much money and cannot afford to give any away, expecially [sic] in times such as the present when it is difficult for them to secure employment....
>
> The section is not intended to bar the Indians from access to the Courts in any claims which are of a nature to permit of their being dealt with by the Courts.... The section is intended simply to protect the Indians from schemers and agitators who have designs upon their funds.[126]

Four years later, after Scott's retirement, another incident was brought to the Department's attention by its inspector of Indian agencies in Winnipeg. He enclosed a letter from Albert Thompson of the Peguis Band in Manitoba, enquiring whether the writer had contravened section 141. The Department's reply indicates how carefully the subject was approached.

> In reply I have to say that in our opinion the writer of this letter has left himself open to prosecution under the said Section. I may say that the purpose of this section is to protect the Indians generally from being exploited by adventurers who try to make a living out of their fellows by schemes of this kind. However, some people who do not understand this may think that the said section puts an unwarranted restraint upon the Indians and if this case should come before such a one for determination, he would probably feel that this letter of itself was not sufficient evidence on which to convict.
>
> It is suggested that you place a copy of this letter in the hands of the police in different localties [sic] with a view of getting further evidence against Thompson for the purpose of instituting a prosecution against him. If, however, you are of the opinion that a conviction could be procured on the strength of the said letter, you are authorized to proceed in the matter.[127]

This incident suggests that the departmental attitude did not change dramatically after Scott's departure. However, Loft had gone and there was far less political activity by Indians in general throughout the 1930s -- or at least no major incidents occurred to bring out a strong departmental response. Both sides held on throughout the depression, awaiting the day when the issue would be approached once again.

When that day arrived, Indians would no longer be content to have their affairs managed for them without any contribution on their part. One Indian leader of the inter-war period, Edward Ahenakew, expressed this sentiment in his own way, by relating what the League of Indians of Canada had meant for him.

> As an Indian, I am in sympathy with the idea of the League, not so much for what it is now, as for what it means. At last I see what I have always wanted to see -- the Indians dissatisfied with themselves, hoping to better their condition, dropping that stoic indifference to their fate, showing practical interest in measures that affect their progress....For too long, we might have deserved--all of us together--the name 'Keyam'.[128]

ENDNOTES

PART III

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3. George Clutesi, Potlatch, Gray's Publishing Ltd., Sidney, British Columbia, 1969, pp. 9-10.

4. H.B. Hawthorn, C.S. Belshaw and S.M. Jamieson, The Indians of British Columbia, University of Toronto Press and the University of British Columbia, 1958, p. 37.

5. H.G. Barnett, "The Nature of the Potlatch", in Tom McFeat, ed., Indians of the North Pacific Coast, McClelland and Stewart, 1966, pp. 83-84.

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7. Helen Codere, "Fighting with Property", in McFeat, p. 100.

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11. Canada, House of Commons, Debates, 1918, p. 1056.

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14. Ibid., J.D. McLean (memo), September 16, 1921.

15. Hansard, 1922, p. 1377.

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17. Ibid., pp. 90-95.

18. Hansard, 1936, pp. 1297-98.

19. Ibid., pp. 1286-1301 and 2120-21.

20. Canada, Statutes, 20 Vict., C. 26, 1857.

21. Canada, Statutes, 32-33 Vict., C. 6, 1869.

22. Canada, Statutes, 31 Vict., C. 42, 1868.

23. Canada, Statutes, 39 Vict., C. 18, 1876.

24. Canada, Sessional Papers, 1921, No. 27, Report of the Deputy Superintendent General, p. 13.

25. Hansard, 1918, p. 1056.

26. PAC, RG10, Vol. 6809, file 470-2-3, Pt. 6.

27. Canada, Statutes, 8-9 Geo. 5, C. 26, 1918.

28. C.S.P., 1919, No. 27, Report of the Deputy Superintendent General, p. 21.

29. C.S.P., 1921, No. 27, Report of the Deputy Superintendent General, p. 13.

30. Annual Report, Department of Indian Affairs, 1925-26, Report of the Deputy Superintendent General, p. 20.

31. C.S.P., 1920, No. 27, Report of the Deputy Superintendent General, p. 32.

32. PAC, RG10, Vol. 7484, file 25001, Pt. 1, Scott to Meighen, October 15, 1918.

33. Ibid., Meighen to Scott, November 8, 1918.

34. C.S.P., 1920, No. 27, Report of the Deputy Superintendent General, p. 32.

35. Hansard, 1920, p. 4173.

36. PAC, RG10, Vol. 6809, file 470-2-3, Pt. 6

37. Ibid., Vol. 6823, file 494-17-2, Scott to Sells, May 17, 1920.

38. Ibid.

39. Hansard, 1920, p. 4028.

40. *Ibid*., p. 4029.

41. *Ibid*., pp. 4033-34. See pp. 4037-38, where the statement is questioned by some members.

42. *Ibid*., p. 4034.

43. PAC, RG10, Vol. 6809, file 470-2-3 Pt. 6, Scott to Meighen, January 28, 1920. See Part III, "Indian Political Associations - The Department's Response."

44. *Hansard*, 1920, p. 4038.

45. *Ibid*., p. 4035.

46. *Ibid*.

47. *Ibid*., p. 4039.

48. Canada, *Statutes*, 10-11 Geo. 5, C. 50, 1920.

49. *Ibid*..

50. PAC, RG10, Vol. 6809, file 470-2-3, Pt. 6, "Amendment to Section 14."

51. *Ibid*., Scott to Boys, June 29, 1920.

52. *Hansard*, 1921, p. 2167.

53. *Ibid*., 1922, p. 3193.

54. Canada, *Statutes*, 12-13 Geo. 5, C. 26, 1922.

55. *Ibid*., 23-24 Geo 5, C. 42, s. 7, 1933.

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59. Sir John A. Macdonald quoted in Wayne Daugherty and Dennis Madill, *Indian Government under Indian Act Legislation 1868-1951*, Treaties and Historical Research Centre, Indian and Northern Affairs Canada, Ottawa, 1980, p. 13.

60. H.B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada*, Indian Affairs Branch, Ottawa, 1967, Part 2, p. 177.

61. Daugherty and Madill, 1980, p. 81.

62. *Ibid*., p. 80.

63. *Ibid*., p. 50. (See their footnote 83).

64. Annemarie Anrod Shimony, *Conservatism Among the Iroquois at the Six Nations Reserve*, Department of Anthropology, Yale University, New Haven, 1961, p. 91.

65. *Hansard*, 1920, p. 3617.

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71. Ibid.

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73. Ibid.

74. Ibid.

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76. Daugherty and Madill, 1980, p. 68.

77. Ibid., p. 81.

78. Ibid.

79. See Bibliography.

80. See Wayne Daugherty, "A Guide to Native Political Associations in Canada", Treaties and Historical Research Centre, Indian and Northern Affairs Canada, Ottawa, 1982.

81. Richard R.H. Luegar, "A History of Indian Associations in Canada (1870-1970)", M.A. Thesis, Carleton University, 1977, p. 106.

82. Ibid., p. 109.

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84. E. Palmer Patterson II, A History Since 1500, Collier Macmillan, 1972, p. 146.

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87. Ibid.

88. Stan Cuthand, "The Native Peoples of the Prairie Provinces in the 1920's and 1930's", in Getty and Smith, One Century Later, p. 32.

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90. Daugherty, 1982, p. 17.

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92. Ibid., p. 145.

93. Ibid., p. 201.

94. Ibid., p. 105.

95. PAC, RG10, Vol. 2641, file 129690-3A, McLean to Alex. Logan, Indian Superintendent, Parry Sound, Ontario, July 4, 1918.

96. Luegar, pp. 110-111.

97. PAC, RG10, Vol. 6809, file 470-2-3 Pt. 8, Scott to Henry Jackson, President of the Council, June 2, 1922.

98. Ibid., Vol. 2641, file 129690-3A, undated letter from the Advisory Board of the Council.

99. Ibid., McLean to the Advisory Board, February 26, 1919.

100. PAC, RG10, Vol. 3211, file 527, 787 Pt. 1, McLean to Cockburn, February 28, 1919.

101. Ibid., January 31, 1919. From 1915 through 1918 a person styling himself "Chief Thunderwater" came from the United States and organized a charismatic movement which had cultural, religious, and political connotations. His influence was considerable on the Iroquois reserves of Quebec and Ontario. See Richard Luegar's thesis. "In the view of the Department of Indian Affairs, Thunderwater's twin goals were to rob Indians and to encourage dissent." pp. 123-24.

102. PAC, RG10, Vol. 3211, file 527, 787, Pt. 1, September 2, 1919.

103. Ibid., September 27, 1919.

104. Ibid., McLean to Paul Schmidt, December 16, 1919.

105. Ibid., McLean to Loft, November 25, 1921.

106. PAC, RG10, Vol. 3211, file 527, 787 Pt. 1.

107. Ibid., Scott to Major Gordon J. Smith, October 8, 1920.

108. Ibid., Scott to Lougheed, February 18 and 21, 1921.

109. Ibid., Scott to Stewart, February 3, 1922.

110. Luegar, p. 139.

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112. Ibid., C.F. Schmidt to Scott, June 19, 1928.

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121. Canada, Revised Statutes, 1927, C. 98, section 141. See Exhibit 1.

122. Van Dyke and Sanders, p. 9.

123. Daniel, p. 54. The consent of the Minister of Justice, which appeared in the draft amendment, was changed to the consent of the Superintendent General in the final legislation.

124. PAC, RG10, Vol. 3211, file 527, 787, Part 1, McLean to E.S. Gauthier, August 30, 1922.

125. PAC, RG10, Vol. 3211, file 527,787, Part 1. Several letters passed between the Department and the R.C.M.P. on this subject.

126. PAC, MG26K, Bennett Papers, Reel 1075, pp. 246230 ff., Scott to Bennett, September 30, 1931.

127. PAC, RG10, Vol. 3211, file 527, 787 Pt. 1, Departmental Secretary to A.G. Hamilton, April 12, 1935.

128. Edward Ahenakew, Voices of the Plains Cree, McClelland and Stewart, 1973, p. 124. "Keyam" in Cree "means 'What does it matter?' or simply 'I do not care!' and so expresses the attitude of many Indians who stand bewildered in the maze of things, not knowing exactly what to do, and hiding their keen sense of defeat under the assumed demeanour of 'Keyam!' – while in fact they do care greatly." Ibid., p. 75.

Exhibit 6

Indian Act
Section 141

CHAPTER 98.

An Act respecting Indians.

SHORT TITLE.

Short title.

1. This Act may be cited as the Indian Act. R.S., c. 81, s. 1.

Receiving money for the prosecution of a claim.

141. Every person who, without the consent of the Superintendent General expressed in writing, receives, obtains, solicits or requests from any Indian any payment or contribution or promise of any payment or contribution for the purpose of raising a fund or providing money for the prosecution of any claim which the tribe or band of Indians to which such Indian belongs, or of which he is a member, has or is represented to have for the recovery of any claim or money for the benefit of the said tribe or band, shall be guilty of an offence and liable upon summary conviction for each such offence to a penalty not exceeding two hundred dollars and not less than fifty dollars or to imprisonment for any term not exceeding two months. 1927, c. 32, s. 6.

PART IV

Conclusion - The Assumptions Underlying Indian Policy

The policy inherited by the Indian Department in 1918 had been developed over a long period of time to enable the government to deal with Indian lands and Indian people. It was expressed in the treaty system, in the Indian Act, and in the operating traditions of the Indian Department. Policy underwent no basic change during the inter-war period. Modification was a matter of degree and application to new situations.

Indian policy was consistent with the basic concepts that had motivated and governed Canadian society throughout the nineteenth century. These concepts were still dominant from 1918 to 1939, despite the doubts that had entered some minds as a result of the World War I and the great depression. Indian policy was unlikely to change fundamentally until the basic concepts supporting it had begun to change.

CHAPTER 13

Summary of Indian Policy

The Indian policy that guided administration and governed the political response to the issues of the inter-war period was an inheritance from the past. It had been shaped in the post-Confederation years on the basis of principles that had been established even earlier. That in itself is not surprising. The government had been dealing with Indians for a long time. What is perhaps surprising is how little that policy -- and the way in which it was administered -- had changed by 1939.

There were two major policy concerns. The first was the extinguishment of Indian title to the soil of any territory wanted for settlement or development. The treaty system dealt with this concern, and treaties were made from time to time by commissions appointed for that purpose. The second concern was the management of Indians and Indian reserve lands after title to their territory had been surrendered. This concern was governed by the Indian Act, which was administered by the Department of Indian Affairs. Both concerns were reflected in the traditional principles of Canadian Indian policy.

It has sometimes been said that the government demonstrated a disregard for Indians because responsibility for them was shunted from one department to another. That statement ignores a very important pattern. Indian affairs has always been located within the government's development department.* Prior to Confederation it was in Crown Lands. After Confederation, it was the responsibility of the

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* The only exception to this was during the period 1949-1965, when the Indian Affairs Branch was located in the Department of Citizenship and Immigration.

Secretary of State for the Provinces until 1873 and, afterwards, of the Minister of the Interior. These ministers held responsibility for western settlement and development. The same minister was also Superintendent General of Indian Affairs. The relationship between Indians, Indian lands, and development was clear from the beginning.

Development always took precedence. Indians were never allowed to stand in the way. During the nineteenth-century treaty-making period and at the Treaty Eleven talks, Indians were told that they could sign the treaty of they wished. If they refused to do so, they would lose their land anyway. The treaty would give them benefits but the issue of control over the land was not negotiable.[1]

Nevertheless, Indians were regarded as having a claim on the soil of the territory in which they lived, a claim that had to be surrendered to the Crown for a consideration before the land could be alienated or developed. An invariable practice in connection with surrenders or treaties was that they should not be made until the land was needed. During the inter-war period, this was illustrated by the Department's policy towards Native people in Yukon and towards the Indians of the Mackenzie River. As soon as development seemed imminent, a treaty was arranged with the Native peoples of the Mackenzie region, but not before. No treaty was made in Yukon.*

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* A small portion of Yukon had been included in Treaty Eight in 1899.

Where a Native group had not surrendered title to its territory, the government was prepared to relieve the extremes of destitution and epidemic when necessary, but not to provide as many services as it did to treaty Indians. Nevertheless, there were both day and boarding schools in Yukon, despite the absence of a treaty.

Policy was pragmatic, not theoretical. While the government was willing to extinguish Indian title by treaty, it avoided clear definitions of aboriginal title. When British Columbia Indians raised the aboriginal title issue, the government was prepared to leave it to the courts to decide.

An equally pragmatic approach governed administration. If a group of Indians could support themselves by hunting, fishing and trapping, they were not disturbed by the government. In fact, the Department provided equipment and supplies to those living off the land in preference to relief. Hunting, fishing and trapping were discouraged only where they were not considered viable and where they hindered a necessary transition to an alternative mode of living.

A major goal of Indian policy was that the Indian population should be self-supporting. Where Indians could no longer live in the more traditional ways, the government had usually encouraged them to farm.[2] However, support was sometimes given to any activity that would provide a living. This was done during the crisis of the great depression. Relief in any form as an alternative to self-support was considered only as a last resort.

An ultimate governmental goal for every Indian was enfranchisement. This involved relinquishing Indian status, the legal condition that placed an individual under the Indian Act, and taking on the privileges and responsibilities of full citizenship. Indian status was regarded as wardship and a state of tutelege. It was not regarded as a condition that should continue forever. The ability to support oneself and the abandonment of an Indian way of life were the key requirements for enfranchisement.

These key goals and their relationship to each other were clearly stated in 1939 by T.R.L. MacInnes, Secretary of the Indian Affairs Branch:

> While complete enfranchisement is visualized as the ultimate goal of Indian policy, the more immediate object of administration is to make the Indians self-supporting on their reserves under the varying degrees of supervision that local conditions may demand.[3]

Duncan Campbell Scott had proclaimed the precedence of enfranchisement to a Commons committee during consideration of the Indian Act amendment bill in 1920. "Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill."[4] There was nothing new or radical about the White Paper of 1969, except the timetable and the new context of Indian sentiment.

During this period, a second and and temporary purpose of Indian policy was protection. "Two aims have guided Canadian Indian administration--protection and advancement. In the earlier and transitional period, the emphasis has been on protection and advancement admittedly has been slow. Perhaps the time has come when the protective reins are becoming a curb on progress and should be loosened."[5] No one in government or in Parliament was as yet prepared for the comment in the report of the Special Committee on

Indian Self-Government. "Old, distorted, paternalistic notions about the 'protection' of Indian people and nations must be discarded."[6] Nevertheless, MacInnes had opened the door to such a possibility.

In spite of its radical goal, the Department was usually slow to initiate change. It followed traditional practices and responded to crises. When there was no crisis, change did not usually occur. Reporting on the 1924-25 fiscal year, Scott wrote, "The Indians of Canada have passed a normal year and nothing untoward has happened in connection with their affairs."[7] Diamond Jenness commented on the 1920s, "The Indian administration of that period was a 'holding' one, more concerned with preserving the status quo than with improving the economic and social status of the Indians or with raising their living standard."[8]

While taking few initiatives itself, the Department under Scott did not want any one else to take the reins. The Department was careful to retain control of policy and administration against any challenge from the outside. Neither ministers nor Parliament interfered to any extent in the Department's policy. True, Scott's success in obtaining compulusory enfranchisement in 1920 was reversed two years later after a change of government, but this kind of event was rare. The Department was even more defensive about the new Indian political associations. They were regarded as subversive organizations rather than channels of communication.

Self-determination could mean only enfranchisement. It was not regarded as compatible with Indian status which implied wardship and tutelage. During the first half of the twentieth century, as in the previous century, little Indian contribution was required or accepted by government in the task or working out and directing the future of the Indian people.

CHAPTER 14

Assumptions Underlying Indian Policy

Officials and politicians who inherited, made and administered Indian policy used words like 'civilization', 'progress' and 'advancement' to describe the relative status of Indian people in the march of human history. These words represented concepts that had emerged in seventeenth- and eighteenth-century European thought and were associated with the Age of Enlightenment or Age of Reason. They had been transformed again by the work of Charles Darwin and Herbert Spencer in the nineteenth century. The result was an evolutionary way of looking at human history as a progression towards an ever-improving civilization.

This notion came to be defined and reinforced by the relative material prosperity of western Europe and of European peoples who has settled overseas. In turn, the energy behind material development had come from the new philosophy. The Christian mould of European thought had been re-worked and overlaid, if not replaced, by the religion of progress and the values of the technological society that it had produced.*

Canada was in great measure the product of this philosophy of progress. The existence of settlement, railways, farms and industries in places where none had existed before was tangible evidence that progress, if not inevitable, was at least possible under certain conditions. The value of progress from 'wilderness' to 'civilization' went virtually unquestioned. It was because of this dominant belief in the efficacy and value of 'progress', defined in these terms, that Native peoples' claims to territory and their desire to preserve a traditional way of life were not permitted to block or retard development, even if that had been considered possible.* To do so would have been regarded as not only unwise, but also immoral, standing in the way of the destiny of mankind. This destiny was being spear-headed at the time by the western European peoples.**

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* For an elaboration of this concept see Jacques Ellul, The Technological Society (originally published in French as La Technique ou l'enjeu du siècle, Librairie Armand Colin, 1954). Reprinted in English in the United States by Vintage Books, 1964.

Not all the peoples of the world were regarded as equally enlightened or progressive. The concept of a heirarchy of races was not necessarily 'racist' in the modern sense in which that term is applied. While different races were regarded as standing at different points on the road to progress, they were not necessarily doomed to remain where they were. That is why the goal of the Indian Department was to promote the 'advancement' of Indians towards 'civilization'.

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* For an application of Ellul's views to Canada, see George Grant, Lament for a Nation, McClelland and Stewart, 1965, chapters 5 and 6.

** For a different but complementary analysis of philosophical assumptions see L.F.S. Upton, "The Origins of Canadian Indian Policy", Journal of Canadian Studies, Vol. 6, No. 4, Nov., 1973, pp. 51-61. While Upton deals with attitudes towards race, Sally Weaver explains the effect of the liberal assumptions of Canadian society on policy-making. Sally M. Weaver, Making Canadian Indian Policy--The Hidden Agenda 1968-70, University of Toronto Press, 1981, pp. 55-56 and 204.

The Deputy Superintendent General's report for 1925-26 reads:

> Although it is realized that [the Indians'] condition still leaves much to be desired, it should be remembered that the true standard by which to judge a people undergoing evolution is, not the height they have reached, but the distance they have advanced.[9]

Some cultures or aspects of a culture were regarded as stagnant or retrogressive. The Sun Dance, the potlatch and the desire to cling to a hunting and fishing economy were seen in this light and hence discouraged. Aspects of Indian culture, such as art and handicrafts, that did not impede what was regarded as progressive could be valued and encouraged. Hence Indians might well retain those elements of traditional cultures. However, the Indian Department saw its task as eliminating anything that hindered Indian advancement, whether in their culture or their character.

These ideas about human destiny, progress, race and culture were still largely current in Canada in the inter-war period. They underlay the traditional Indian policy that had been inherited from the nineteenth century and still informed the minds of those responsible for it early in the twentieth century. Both Scott and J.D. McLean, the two senior men in the Department, had come to maturity in the nineteenth century and remained in office until half-way through the inter-war period.

Contrary views had not yet sufficiently challenged these assumptions to effect any great change in the goals or direction of the policy. "A university president might question progress, but the popular mind in Canada accepted without thought the doctrine of continual, automatic progress, moral as well as material."[10]

As the discoverers and custodians of the means to progress, the non-native people in Canada regarded it as their task to lead the native people in the same direction. This was the well-known 'white man's burden'. In this context, self-determination did not make much sense. Similarly, dialogue would be largely pointless.

When asked in Parliament to let the compulsory enfranchisement bill stand until the views of representative Indians could be heard, Meighen had replied:

> The department, through a long series of five decades, has known the views of the Indians, and it is in touch with them from day to day. If one were to deal with wards in the same way as he would deal with citizens, he would not be dealing with wards at all.[11]

One nineteenth-century viewpoint had proclaimed that Indians were literally a dying race. The Indian population did decline during the nineteenth century for various reasons associated with European settlement. Epidemics of diseases alone carried off great numbers. In addition, intermarriage had produced a population of Metis and non-status Indians, while others simply merged into the general population with no clear Native identity. In this view, only an interim policy of humanitarian protection was necessary until nature took its course.

This view was not held universally, even in the nineteenth century. Nevertheless, it must have survived in some minds well into the twentieth, since Scott firmly repudiated the idea. Writing in the annual report for 1917, he said, "A comparative examination of the census records shows that there is a slow but steady increase. This demonstrates the incorrectness of the popular notion that the Indians are gradually disappearing."[12]

Although it became clear that Indians were not dying out physically as an element of the Canadian population,* they could have been eliminated as a special status group through enfranchisement. In 1920, this was the only future Scott saw for them. It was logically consistent with the concepts on which Indian policy had been developed.

In 1946, T.R.L. MacInnes described current thought on the subject.

> Two definite schools of thought have developed on the future of the Indian. One favours assimilation with the rest of the population; the other envisages a separate Indian racial life with its own distinctive culture and ideology....Obviously the arguments for and against these respective viewpoints apply, differently and even oppositely in different localities, depending upon the state of advancement of the Indians, and their proximity and ratio to the rest of the local population, and other factors.[13]

At least Indian policy was no longer being regarded as entirely cut and dried. MacInnes was prepared to entertain the possibility of an alternative future for Indian people. Although Indian policy was still constrained within the narrow limitations of the inter-war period, MacInnes' statement offered hope that these limits might soon be overtaken.

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* The Indian census listed the population as 105,000 in 1917 and 118,000 by 1939.

Indians themselves had not readily accepted enfranchisement and had strenuously opposed giving the government the power to compel it. On this issue, Indians across Canada found a united voice, just as the Indian people of British Columbia had done over their land title. Some had joined together in political associations to present their point of view to the government. Most of these associations broke up for a time before being rebuilt later under more promising circumstances. Only then would the political experience of these early years be put to use.

Scott had not given much weight to Indian opinion as a factor in determining their future. He had viciously opposed the new political associations and those involved in them. He was not even prepared to make the Grand General Indian Council of Ontario an effective channel of communication, as its president had requested.

Not much had changed by 1939, but there is a hint in the final words of MacInnes' 1946 address that the experience of the inter-war period had not been in vain. "But in the final analysis," he said, "the Indians must work out their destiny for themselves; after all it is their own life and nobody else can live it for them."[14] Perhaps his words expressed the beginning of a change in the way Canadians were thinking. If so, it might soon begin to influence Indian policy, for in that same year, a joint committee of both houses of Parliament began a dialogue with Indian people about their future.

ENDNOTES

PART IV

1. Alexander Morris, The Treaties of Canada with the Indians of Manitoba and the North-West Territories, Toronto, 1880, pp. 34-35 and 204-05. See also the chapter on Treaty Eleven.

2. Departmental Annual Report, 1938, pp. 219-20.

3. T.R.L. MacInnes, "The History and Policies of Indian Administration in Canada", in C.T. Loram and T.F. McIlwraith, eds., The North American Indian Today, The University of Toronto Press, 1943, p. 163.

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The sources used in researching for this study can be found in Ottawa at the Public Archives of Canada, at the National Library of Canada or at Indian and Northern Affairs Canada (INAC). Within INAC, the largest collection is in the Departmental Library. Another large and useful collection is maintained in the Treaties and Historical Research Centre which is part of the Research Branch, Corporate Policy. Some items not found elsewhere may be located at the Program Reference Centre of INAC.

Wherever secondary sources were available for a particular subject, they have been used, supplemented by primary material. For some topics, few, if any, secondary sources existed. These chapters were written from primary sources entirely, with only peripheral references to secondary works.

Those sources found sufficiently useful or significant in some other way to have been referenced in the endnotes following the Introduction and each of the four Parts of this study are listed in the Bibliography that follows. In addition, some reference works containing useful statistical, bibliographical or other information have been included.

In the endnotes, the following abbreviation have been used:

PAC	-	Public Archives of Canada
RG	-	Record Group
MG	-	Manuscript Group
CSP	-	Canada, Sessional Papers

The annual report of the Department of Indian Affairs is cited in the endnotes as "C.S.P." followed by the year of publication and the number of the report (e.g., C.S.P., 1920, No. 27). After 1925, a different system was used. From this date onwards, "Departmental Annual Report" will be used, followed by the year of publication. This is done throughout, even though the Department became the Indian Affairs Branch in 1936.

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APPENDIX

Superintendents General of Indian Affairs

Department of Indian Affairs

Honourable Arthur Meighen	October 12, 1917	-	July 10, 1920
Honourable Sir James A. Lougheed	July 10, 1920	-	December 29, 1921
Honourable Charles A. Stewart	December 29, 1921	-	June 28, 1926
Honourable H.H. Stevens (Acting)	June 29, 1926	-	July 13, 1926
Honourable R.B. Bennett (Acting)	July 13, 1926	-	September 25, 1926
Honourable Charles A. Stewart	September 25, 1926	-	June 19, 1930
Honourable Ian Alistair MacKenzie*	June 19, 1930	-	August 6, 1930
Honourable Thomas Gerrow Murphy	August 7, 1930	-	October 23, 1935
Honourable Thomas A. Crerar	October 23, 1935	-	November 30, 1936

Department of Mines and Resources

Honourable Thomas A. Crerar	December 1, 1936	-	April 17, 1945

Deputy Superintendents General of Indian Affairs:

D.C. Scott	October 11, 1913	-	March 30, 1932
A.S. Williams (Acting)	April 1, 1932	-	October 12, 1932
H.W. McGill, M.D.	October 13, 1932	-	November 30, 1936

McGill remained as permanent head of Indian Affiars until 1945 but from December 1, 1936 held the title of Director of the Indian Affairs Branch within the Department of Mines and Resources.

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* By Order in Council of June 19, 1930, the Department of Indian Affairs was placed under the Minister of Immigration and Colonization (Honourable Ian Alistair MacKenzie). By Order in Council of August 7, the Order in Council of the 19th of June, 1930, placing Indian Affairs under the Minister of Immigration and Colonization, was cancelled.